

By: Livingston

To: Game and Fish; Ways  
and MeansHOUSE BILL NO. 666  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 19-5-51, 25-1-51, 25-1-87, 27-7-93,  
2 27-65-101, 29-7-1, 29-7-3, 29-7-17, 37-101-19, 39-5-41, 49-1-1,  
3 49-1-19, 49-1-33, 49-1-35, 49-1-41, 49-1-47, 49-1-51, 49-1-53,  
4 49-1-55, 49-2-1, 49-2-19, 49-3-13, 49-4-1, 49-4-19, 49-5-1,  
5 49-5-11, 49-5-13, 49-5-15, 49-5-16, 49-5-17, 49-5-19, 49-5-21,  
6 49-5-23, 49-5-25, 49-5-27, 49-5-35, 49-5-37, 49-5-61, 49-5-69,  
7 49-5-73, 49-5-75, 49-5-77, 49-5-78, 49-5-81, 49-5-83, 49-5-86,  
8 49-5-87, 49-5-88, 49-5-89, 49-5-97, 49-5-98, 49-5-103, 49-5-105,  
9 49-5-145 through 49-5-157, 49-7-16, 49-7-23, 49-7-25, 49-7-32,  
10 49-7-42, 49-7-43, 49-7-47, 49-7-91, 49-7-101, 49-7-133, 49-7-135,  
11 49-7-137, 49-7-169, 49-7-201, 49-7-203, 49-7-251, 49-7-253,  
12 49-7-255, 49-13-3, 49-13-7, 49-13-9, 49-13-17, 49-13-19, 49-13-23,  
13 49-15-7, 49-15-45, 49-15-69, 49-27-7, 51-9-107, 51-9-127, 51-11-5,  
14 51-11-9, 51-11-19, 51-13-107, 53-7-11, 53-7-29, 53-7-45, 53-7-49,  
15 55-3-5, 55-3-7, 55-3-9, 55-3-11, 55-3-19, 55-3-45, 55-3-49,  
16 55-3-51, 55-3-57, 55-3-59, 55-3-63, 55-3-65, 55-3-67, 55-3-69,  
17 55-3-71, 55-3-73, 55-3-75, 55-3-77, 55-3-79, 55-5-61, 55-9-1,  
18 55-15-1, 55-15-43, 55-17-1, 55-17-5, 57-11-19, 57-15-9, 59-21-25,  
19 65-1-37, 65-1-51, 75-27-7, 89-19-7, 89-19-15 AND 97-3-19,  
20 MISSISSIPPI CODE OF 1972, TO UPDATE REFERENCES TO CERTAIN STATE  
21 AGENCIES, COMMISSIONS, DEPARTMENTS, OFFICES, DIVISIONS, BUREAUS,  
22 COMMITTEES AND OFFICERS AND EMPLOYEES WHOSE NAMES HAVE BEEN  
23 CHANGED OR WHOSE POWERS AND DUTIES HAVE BEEN TRANSFERRED TO THE  
24 MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND PARKS, THE  
25 MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS OR THE  
26 MISSISSIPPI COMMISSION ON MARINE RESOURCES; TO CREATE SECTIONS  
27 49-5-2 AND 55-3-2, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN  
28 TERMS; AND FOR RELATED PURPOSES.

29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

30 SECTION 1. Section 19-5-51, Mississippi Code of 1972, is  
31 amended as follows:[JWB1]

32 19-5-51. Any board of supervisors may, in its discretion, by  
33 appropriate resolution spread upon its minutes, offer a bounty not  
34 to exceed Five Dollars (\$5.00) for each nutria, beaver or bobcat  
35 destroyed, where such board finds and determines that nutria,  
36 beaver or bobcats are in such quantities that the preservation of  
37 trees and other properties requires such bounties to be offered.  
38 Upon presentation to the sheriff of the complete tail of a nutria,  
39 beaver or bobcat, the sheriff shall execute a receipt therefor.

40 Upon filing of such receipt with the chancery clerk, the amount of  
41 such bounty may be allowed by the board of supervisors as are  
42 other accounts against the county.

43 There is further provided a bounty on beaver not to exceed  
44 Five Dollars (\$5.00) for each beaver to be paid in the following  
45 manner: upon the presentation of the tail of any beaver, any  
46 conservation officer of the state shall issue a receipt in such  
47 form as prescribed by the Mississippi Commission on Wildlife,  
48 Fisheries and Parks to the person presenting such tail. The  
49 Mississippi Department of Wildlife, Fisheries and Parks shall  
50 redeem such receipts by paying to such person a sum not to exceed  
51 Five Dollars (\$5.00) for each such receipt as bounty. The  
52 redemption of such receipts shall be paid only from funds  
53 especially appropriated for this purpose and it is expressly  
54 provided that no such bounty shall be paid from any regular  
55 receipts, funds and appropriations of the Mississippi Department  
56 of Wildlife, Fisheries and Parks.

57 For the purposes of carrying out the purposes of this  
58 section, the Mississippi Department of Wildlife, Fisheries and  
59 Parks and the State Forestry Commission are authorized, empowered  
60 and directed, when requested by the board of supervisors or any  
61 property owner, to utilize funds, personnel and equipment under  
62 reasonable terms and conditions.

63 No bounty shall be paid when funds, personnel or equipment of  
64 the Mississippi Department of Wildlife, Fisheries and Parks, the  
65 State Forestry Commission or the county are employed in capturing  
66 and killing such animals.

67 SECTION 2. Section 25-1-51, Mississippi Code of 1972, is  
68 amended as follows:[JWB2]

69 25-1-51. (1) No law enforcement officer, conservation  
70 officer, or other person charged with the duty and responsibility  
71 of enforcing the statutory laws of this state or any municipality  
72 herein, whether employed full time or part time in such capacity,  
73 or any member of his or her household can knowingly own, acquire,  
74 bid upon, or otherwise participate as a purchaser or prospective  
75 purchaser, either directly or indirectly, at a sale concerning any  
76 real, personal, or mixed property which has been confiscated and

77 is being sold, or has been sold, or is subject to being sold  
78 pursuant to the laws and statutes of this state. All officers  
79 seizing any property shall turn the same over to the sheriff of  
80 the county in which said property was seized. All real, personal,  
81 or mixed properties confiscated under authority of law and subject  
82 to sale as contraband properties shall be sold by the sheriff of  
83 the county in which said property was confiscated or is stored,  
84 after the sheriff shall first have given public notice by  
85 publication for not less than one (1) week in a newspaper  
86 published in said county or, if no newspaper is published in said  
87 county, said notice shall be published not less than one (1) time  
88 in a newspaper having general circulation in said county. The  
89 published notice shall contain a description of the property and  
90 other pertinent data which the sheriff may deem necessary and  
91 proper in compliance with this section. The cost of public notice  
92 shall be charged against and added to the cost of the property  
93 advertised and sold by virtue of said notice. The net proceeds of  
94 all such property sold shall be deposited in the county general  
95 fund within the manner provided by law. The sheriff shall keep a  
96 public record of all property seized, the disposition thereof, and  
97 the proceeds from the sale thereof.

98 (2) The failure of the sheriff to sell any property seized  
99 by him or turned over to him within ninety (90) days and any  
100 violation of the above paragraph by such prohibited person, or any  
101 other person acting for or in behalf of such prohibited person,  
102 shall be deemed to be a misdemeanor and shall be punishable by a  
103 fine of not less than One Hundred Dollars (\$100.00) nor more than  
104 Five Hundred Dollars (\$500.00), which fine shall be subject to  
105 collection from such prohibited person's bondsmen if such  
106 prohibited person be under bond and fails to pay said assessed  
107 fine when it shall have become final and collectible.

108 In addition thereto, upon a showing in an action begun not  
109 later than one (1) year from the date of the legal sale of the

110 confiscated property that such prohibited person has knowingly  
111 acquired title to such confiscated property in violation of  
112 paragraph (1) hereof, the owner of such property at the time it  
113 was confiscated, or his or her heirs, legatees, administrator, or  
114 executor shall be immediately entitled to the return of such  
115 property; and the sum paid therefor by such prohibited person, or  
116 in his or her behalf, shall be forfeited. The sum so forfeited  
117 shall be applied in the same manner as it would be applied had the  
118 confiscated property been sold to or acquired by other than such  
119 prohibited person.

120 SECTION 3. Section 25-1-87, Mississippi Code of 1972, is  
121 amended as follows:[JWB3]

122 25-1-87. All motor vehicles owned or leased by the State of  
123 Mississippi or any agency, department or political subdivision  
124 thereof, which shall include counties and municipalities, when  
125 such agency or department or political subdivision, which shall  
126 include counties and municipalities, is supported wholly or in  
127 part by public taxes or by appropriations from public funds, shall  
128 have painted on both sides in letters at least three (3) inches in  
129 height, and on the rear in letters not less than one and one-half  
130 (1-1/2) inches in height, the name of the state agency or  
131 department, or political subdivision, which shall include counties  
132 and municipalities, in a color which is in contrast with the color  
133 of the vehicle; provided, however, that a permanent decal may be  
134 used in lieu of paint, and provided further, that any municipality  
135 may affix a permanent decal or design at least twelve (12) inches  
136 in height and twelve (12) inches in width on both sides of the  
137 vehicle with the name of the municipality within or across the  
138 permanent decal or design, and the permanent design or decal shall  
139 be in a color or colors which are in contrast with the color of  
140 the vehicle. No privilege license tag shall be issued for such  
141 vehicle until the name has been painted thereon or a permanent  
142 design or decal affixed thereto as required by this section. A

143 permanent decal may be used in lieu of paint. The provisions of  
144 this paragraph shall not apply to vehicles used by the Chief  
145 Executive of the State of Mississippi, to vehicles owned or leased  
146 by the Department of Economic and Community Development, to  
147 vehicles owned or leased by the Office of the Attorney General, to  
148 vehicles owned or leased by the Mississippi State Board of Medical  
149 Licensure and used only by the Investigative Division of the  
150 board, to one (1) vehicle owned or leased by the Commissioner of  
151 the Mississippi Department of Corrections, to not more than three  
152 (3) vehicles owned or leased by the Department of Corrections and  
153 used only by Community Services Division officers, to not more  
154 than one (1) vehicle owned or leased by the Mississippi Department  
155 of Transportation and used only by an investigator employed by the  
156 Mississippi Department of Transportation or to not more than one  
157 (1) vehicle owned or leased by the Mississippi State Tax  
158 Commission; and upon receipt of a written request from the State  
159 Adjutant General, the Commissioner of Public Safety, the Director  
160 of the Alcoholic Beverage Control Division of the Mississippi  
161 State Tax Commission, the Executive Director of the Mississippi  
162 Department of Wildlife, Fisheries and Parks, the Director of the  
163 Bureau of Narcotics, the Executive Officer of the Board of  
164 Pharmacy, the Executive Director of the Mississippi Gaming  
165 Commission, the State Auditor or a president or chancellor of a  
166 state institution of higher learning, the Governor may authorize  
167 the use of specified unmarked vehicles only in instances where  
168 such identifying marks will hinder official investigations, and  
169 the governing authorities of any municipality may authorize the  
170 use of specified, unmarked police vehicles when identifying marks  
171 would hinder official criminal investigations by the police. The  
172 written request or the order or resolution authorizing such shall  
173 contain the manufacturer's serial number, the state inventory  
174 number, where applicable, and shall set forth why the vehicle  
175 should be exempt from the provisions of this paragraph. In the

176 event the request is granted, the Governor shall furnish the State  
177 Department of Audit with a copy of his written authority for the  
178 use of the unmarked vehicles, or the governing authority, as the  
179 case may be, shall enter its order or resolution on the minutes  
180 and shall furnish the State Department of Audit with a certified  
181 copy of its order or resolution for the use of the unmarked police  
182 vehicle. The state property auditors of the State Department of  
183 Audit shall personally examine vehicles owned or leased by the  
184 State of Mississippi or any agency, department or commission  
185 thereof and report violations of the provisions of this paragraph  
186 to the State Auditor and the Chairman of the Joint Legislative  
187 Committee on Performance Evaluation and Expenditure Review. Any  
188 vehicle found to be in violation of this paragraph shall be  
189 reported immediately to the department head charged with such  
190 vehicle, and five (5) days shall be given for compliance; and if  
191 not complied with, such vehicles shall be impounded by the State  
192 Auditor until properly marked or exempted.

193       Upon notification to the State Tax Commission by the State  
194 Auditor that any municipality or political subdivision is not in  
195 compliance with this section, the State Tax Commission shall  
196 withhold any sales tax due for distribution to any such  
197 municipality and any excise tax on gasoline, diesel fuel, kerosene  
198 and oil due any such county and for any months thereafter, and  
199 shall continue to withhold such funds until compliance with this  
200 section is certified to the State Tax Commission by the State  
201 Department of Audit.

202       County-owned motor vehicles operated by the sheriff's  
203 department shall not be subject to the provisions of this section,  
204 but shall be subject to the provisions of Section 19-25-15.  
205 County-owned motor vehicles operated by a family court established  
206 pursuant to Section 43-23-1 et seq., shall not be subject to the  
207 provisions of this section.

208       State-owned or leased motor vehicles operated by the

209 Department of Mental Health or by facilities operated by the  
210 Department of Mental Health and used for transporting patients  
211 living in group homes or alternative living arrangements shall not  
212 be subject to the provisions of this section.

213 Up to four (4) passenger automobiles owned or leased by  
214 economic development districts or economic development authorities  
215 shall not be subject to the provisions of this section.

216 State-owned or leased motor vehicles operated by the  
217 Agricultural and Livestock Theft Bureau of the Department of  
218 Agriculture and Commerce and used to investigate livestock theft  
219 shall not be subject to the provisions of this section.

220 Up to three (3) motor vehicles owned or leased by the  
221 Pascagoula Municipal Separate School District for use by district  
222 security officers shall not be subject to the provisions of this  
223 section.

224 Up to two (2) motor vehicles owned or leased by the  
225 Department of Human Services for use only by the Program Integrity  
226 Division shall not be subject to the provisions of this section.

227 The motor vehicles of a public airport shall not be subject  
228 to the provisions of this section upon a finding by the governing  
229 authority of such airport that marking a motor vehicle as required  
230 in this section will compromise security at such airport.

231 SECTION 4. Section 27-7-93, Mississippi Code of 1972, is  
232 amended as follows:[JWB4]

233 27-7-93. (1) The Chairman of the State Tax Commission shall  
234 determine annually the total amount designated by individuals to  
235 be paid to the fund, along with all interest earned thereon, and  
236 shall report such amount to the State Treasurer who shall pay such  
237 amount into the "Wildlife Heritage Fund," established in Section  
238 49-5-77.

239 (2) The Mississippi Commission on Wildlife, Fisheries and  
240 Parks may expend such monies deposited into the fund pursuant to  
241 subsection (1) of this section only to implement the "Mississippi

242 Natural Heritage Law of 1978," Sections 49-5-141 through 49-5-157,  
243 Mississippi Code of 1972, by providing for the protection and  
244 management of nongame species, threatened or endangered wildlife  
245 or plants, and unique geological formations such as waterfalls,  
246 caves and canyons, and by purchasing, leasing, registering,  
247 dedicating and maintaining natural areas.

248 SECTION 5. Section 27-65-101, Mississippi Code of 1972, is  
249 amended as follows:[JWB5]

250 27-65-101. (1) The exemptions from the provisions of this  
251 chapter which are of an industrial nature or which are more  
252 properly classified as industrial exemptions than any other  
253 exemption classification of this chapter shall be confined to  
254 those persons or property exempted by this section or by the  
255 provisions of the Constitution of the United States or the State  
256 of Mississippi. No industrial exemption as now provided by any  
257 other section except Section 57-3-33 shall be valid as against the  
258 tax herein levied. Any subsequent industrial exemption from the  
259 tax levied hereunder shall be provided by amendment to this  
260 section. No exemption provided in this section shall apply to  
261 taxes levied by Section 27-65-15 or 27-65-21.

262 The tax levied by this chapter shall not apply to the  
263 following:

264 (a) Sales of boxes, crates, cartons, cans, bottles and  
265 other packaging materials to manufacturers and wholesalers for use  
266 as containers or shipping materials to accompany goods sold by  
267 said manufacturers or wholesalers where possession thereof will  
268 pass to the customer at the time of sale of the goods contained  
269 therein and sales to anyone of containers or shipping materials  
270 for use in ships engaged in international commerce.

271 (b) Sales of raw materials, catalysts, processing  
272 chemicals, welding gases or other industrial processing gases  
273 (except natural gas) to a manufacturer for use directly in  
274 manufacturing or processing a product for sale or rental or

275 repairing or reconditioning vessels or barges of fifty (50) tons  
276 load displacement and over. This exemption shall not apply to any  
277 property used as fuel except to the extent that such fuel  
278 comprises by-products which have no market value.

279 (c) The gross proceeds of sales of dry docks, offshore  
280 drilling equipment for use in oil exploitation or production,  
281 vessels or barges of fifty (50) tons load displacement and over,  
282 when sold by the manufacturer or builder thereof.

283 (d) Sales to commercial fishermen of commercial fishing  
284 boats of over five (5) tons load displacement and not more than  
285 fifty (50) tons load displacement as registered with the U.S.  
286 Coast Guard and licensed by the Mississippi \* \* \* Commission on  
287 Marine Resources.

288 (e) The gross income from repairs to vessels and barges  
289 engaged in foreign trade or interstate transportation.

290 (f) Sales of petroleum products to vessels or barges  
291 for consumption in marine international commerce or interstate  
292 transportation businesses.

293 (g) Sales and rentals of rail rolling stock (and  
294 component parts thereof) for ultimate use in interstate commerce  
295 and gross income from services with respect to manufacturing,  
296 repairing, cleaning, altering, reconditioning or improving such  
297 rail rolling stock (and component parts thereof).

298 (h) Sales of raw materials, catalysts, processing  
299 chemicals, welding gases or other industrial processing gases  
300 (except natural gas) used or consumed directly in manufacturing,  
301 repairing, cleaning, altering, reconditioning or improving such  
302 rail rolling stock (and component parts thereof). This exemption  
303 shall not apply to any property used as fuel.

304 (i) Machinery or tools or repair parts therefor or  
305 replacements thereof, fuel or supplies used directly in  
306 manufacturing, converting or repairing ships of three thousand  
307 (3,000) tons load displacement and over, but not to include office

308 and plant supplies or other equipment not directly used on the  
309 ship being built, converted or repaired.

310 (j) Sales of tangible personal property to persons  
311 operating ships in international commerce for use or consumption  
312 on board such ships. This exemption shall be limited to cases in  
313 which procedures satisfactory to the commissioner, ensuring  
314 against use in this state other than on such ships, are  
315 established.

316 (k) Sales of materials used in the construction of a  
317 building, or any addition or improvement thereon, and sales of any  
318 machinery and equipment not later than three (3) months after the  
319 completion of construction of the building, or any addition  
320 thereon, to be used therein, to qualified businesses, as defined  
321 in Section 57-51-5, which are located in a county or portion  
322 thereof designated as an enterprise zone pursuant to Sections  
323 57-51-1 through 57-51-15.

324 (l) Sales of materials used in the construction of a  
325 building, or any addition or improvement thereon, and sales of any  
326 machinery and equipment not later than three (3) months after the  
327 completion of construction of the building, or any addition  
328 thereon, to be used therein, to qualified businesses, as defined  
329 in Section 57-54-5.

330 (m) Income from storage and handling of perishable  
331 goods by a public storage warehouse.

332 (n) The value of natural gas lawfully injected into the  
333 earth for cycling, repressuring or lifting of oil, or lawfully  
334 vented or flared in connection with the production of oil;  
335 however, if any gas so injected into the earth is sold for such  
336 purposes, then the gas so sold shall not be exempt.

337 (o) The gross collections from self-service commercial  
338 laundering, drying, cleaning and pressing equipment.

339 (p) Sales of materials used in the construction of a  
340 building, or any addition or improvement thereon, and sales of any

341 machinery and equipment not later than three (3) months after the  
342 completion of construction of the building, or any addition  
343 thereon, to be used therein, to qualified companies, certified as  
344 such by the Mississippi Department of Economic and Community  
345 Development under Section 57-53-1.

346           (q) Sales of component materials used in the  
347 construction of a building, or any addition or improvement  
348 thereon, sales of machinery and equipment to be used therein, and  
349 sales of manufacturing or processing machinery and equipment which  
350 is permanently attached to the ground or to a permanent foundation  
351 and which is not by its nature intended to be housed within a  
352 building structure, not later than three (3) months after the  
353 initial start-up date, to permanent business enterprises engaging  
354 in manufacturing or processing in less developed areas (as such  
355 term is defined in Section 57-73-5), which businesses are  
356 certified by the State Tax Commission as being eligible for the  
357 exemption granted in this paragraph (q).

358           (r) Sales of component materials used in the  
359 construction of a building, or any addition or improvement  
360 thereon, and sales of any machinery and equipment not later than  
361 three (3) months after the completion of the building, addition or  
362 improvement thereon, to be used therein, for any company  
363 establishing or transferring its national or regional headquarters  
364 from within or outside the State of Mississippi and creating a  
365 minimum of thirty-five (35) jobs at the new headquarters in this  
366 state. The Tax Commission shall establish criteria and prescribe  
367 procedures to determine if a company qualifies as a national or  
368 regional headquarters for the purpose of receiving the exemption  
369 provided in this paragraph.

370           (s) The gross proceeds from the sale of semitrailers,  
371 trailers, boats, travel trailers, motorcycles and all-terrain  
372 cycles if exported from this state within forty-eight (48) hours  
373 and registered and first used in another state.

374 (t) Gross income from the storage and handling of  
375 natural gas in underground salt domes and in other underground  
376 reservoirs, caverns, structures and formations suitable for such  
377 storage.

378 (u) Sales of machinery and equipment to nonprofit  
379 organizations if the organization: (i) is tax-exempt pursuant to  
380 Section 501(c)(4) of the Internal Revenue Code of 1986, as  
381 amended; (ii) assists in the implementation of the national  
382 contingency plan or area contingency plan, and which is created in  
383 response to the requirements of Title IV, Subtitle B of the Oil  
384 Pollution Act of 1990, P.L. 101-380; and (iii) engages primarily  
385 in programs to contain, clean up and otherwise mitigate spills of  
386 oil or other substances occurring in the United States coastal and  
387 tidal waters. For purposes of this exemption, "machinery and  
388 equipment" means any ocean-going vessels, barges, booms, skimmers  
389 and other capital equipment used primarily in the operations of  
390 nonprofit organizations referred to herein.

391 (2) Sales of component materials used in the construction of  
392 a building, or any addition or improvement thereon, sales of  
393 machinery and equipment to be used therein, and sales of  
394 manufacturing or processing machinery and equipment which is  
395 permanently attached to the ground or to a permanent foundation  
396 and which is not by its nature intended to be housed within a  
397 building structure, not later than three (3) months after the  
398 initial start-up date, to permanent business enterprises engaging  
399 in manufacturing or processing in moderately developed areas and  
400 developed areas (as such areas are designated in accordance with  
401 Section 57-73-21), which businesses are certified by the State Tax  
402 Commission as being eligible for the exemption granted in this  
403 paragraph, shall be exempt from one-half (1/2) of the taxes  
404 imposed on such transactions under this chapter.

405 SECTION 6. Section 29-7-1, Mississippi Code of 1972, is  
406 amended as follows:[CR6]

407           29-7-1. (1) The Mississippi Commission on Environmental  
408 Quality shall be the mineral lease commission, and shall exercise  
409 the duties and responsibilities of the mineral lease commission  
410 through the \* \* \* Mississippi Department of Environmental Quality,  
411 insofar as practicable under the provisions of Chapter 2 of Title  
412 49, Mississippi Code of 1972.

413           (2) The words "mineral lease commission," whenever they may  
414 appear in the laws of the State of Mississippi, shall be construed  
415 to mean the Mississippi Commission on Environmental Quality.

416           (3) The term "commission" means the Mississippi Commission  
417 on Environmental Quality.

418           SECTION 7. Section 29-7-3, Mississippi Code of 1972, is  
419 amended as follows:[JWB7]

420           29-7-3. There shall be no development or extraction of oil,  
421 gas, or other minerals from state-owned lands by any private party  
422 without first obtaining a mineral lease therefor from the  
423 commission. The commission \* \* \* is hereby authorized and  
424 empowered, for and on behalf of the state, to lease any and all of  
425 the state land now owned (including that submerged or wherever  
426 the tide may ebb and flow) or hereafter acquired, to some  
427 reputable person, association, or company for oil and/or gas  
428 and/or other minerals in and under and which may be produced  
429 therefrom, excepting, however, sixteenth section school land, lieu  
430 lands, and such forfeited tax land and property the title to which  
431 is subject to any lawful redemption, for such consideration and  
432 upon such terms and conditions as the commission \* \* \* deems just  
433 and proper.

434           The commission may promulgate rules and regulations governing  
435 all aspects of the process of leasing state lands within its  
436 jurisdiction for mineral development, including the setting of any  
437 necessary fees, delay rental payments, shut-in royalty payments,  
438 and such other provisions as may be required.

439           There shall not be conducted any seismographic or other

440 mineral exploration or testing activities on any state-owned lands  
441 within the mineral leasing jurisdiction of the commission without  
442 first obtaining a permit therefor from the commission. The  
443 commission shall have the authority to promulgate rules and  
444 regulations governing all aspects of seismographic or other  
445 mineral exploration activity on state lands within its  
446 jurisdiction, including the establishing of fees and issuance of  
447 permits for the conduct of such mineral exploration activities.  
448 Provided, however, that persons obtaining permits from the  
449 commission for seismographic or other mineral exploration or  
450 testing activities on state-owned wildlife management areas, lakes  
451 and fish hatcheries, shall be subject to rules and regulations  
452 promulgated therefor by the Mississippi Commission on Wildlife,  
453 Fisheries and Parks which shall also receive all permit fees for  
454 such testing on said lands.

455 Further, provided that each permit within the Mississippi  
456 Sound or tidelands shall be reviewed by the Mississippi Commission  
457 on Marine Resources and such special conditions as it may specify  
458 will be included in the permit. Information or data obtained in  
459 any mineral exploration activity on any and all state lands shall  
460 be disclosed to the state through the Department of Environmental  
461 Quality, upon demand. Such information or data shall be treated  
462 as confidential for a period of ten (10) years from the date of  
463 receipt thereof and shall not be disclosed to the public or to any  
464 firm, individual or agency other than officials or authorized  
465 employees of this state. Any person who makes unauthorized  
466 disclosure of such confidential information or data shall be  
467 guilty of a misdemeanor, and upon conviction thereof, be fined not  
468 more than Five Thousand Dollars (\$5,000.00) or imprisoned in the  
469 county jail not more than one (1) year, or both.

470 Whenever any such land or property is leased for oil and gas  
471 and/or other minerals, such lease contract shall provide for a  
472 lease royalty to the state of at least three-sixteenths (3/16) of

473 such oil and gas or other minerals, same to be paid in the manner  
474 prescribed by the commission. Of the monies received in  
475 connection with the execution of such leases, five-tenths of one  
476 percent (5/10 of 1%) shall be retained in a special fund to be  
477 appropriated by the Legislature, One Hundred Thousand Dollars  
478 (\$100,000.00) of which amount to be used by the department for the  
479 administration of the Mineral Lease Division of the Department of  
480 Environmental Quality and the remainder of such amount shall be  
481 deposited into the Education Trust Fund, created in Section 206A,  
482 Mississippi Constitution of 1890; and two percent (2%) shall be  
483 paid into a special fund to be designated as the "Gulf and  
484 Wildlife Protection Fund," to be appropriated by the Legislature,  
485 one-half (1/2) thereof to be apportioned as follows: an amount  
486 which shall not exceed One Million Dollars (\$1,000,000.00) shall  
487 be used by the Mississippi Department of Wildlife, Fisheries and  
488 Parks solely for the purpose of clean-up, remedial or abatement  
489 actions involving pollution as a result of the exploration or  
490 production of oil or gas, and any amount in excess of such One  
491 Million Dollars (\$1,000,000.00) shall be deposited into the  
492 Education Trust Fund, created in Section 206A, Mississippi  
493 Constitution of 1890. The remaining one-half (1/2) of such Gulf  
494 and Wildlife Protection Fund to be apportioned as follows: an  
495 amount which shall not exceed One Million Dollars (\$1,000,000.00)  
496 shall be used by the Mississippi Commission on Wildlife, Fisheries  
497 and Parks for use first in the prudent management, preservation,  
498 protection and conservation of existing waters, lands and wildlife  
499 of this state and then, provided such purposes are accomplished,  
500 for the acquisition of additional waters and lands and any amount  
501 in excess of such One Million Dollars (\$1,000,000.00) shall be  
502 deposited into the Education Trust Fund, created in Section 206A,  
503 Mississippi Constitution of 1890. However, in the event that the  
504 Legislature is not in session to appropriate funds from the Gulf  
505 and Wildlife Protection Fund for the purpose of clean-up, remedial

506 or abatement actions involving pollution as a result of the  
507 exploration or production of oil or gas, then the Mississippi  
508 Department of Wildlife, Fisheries and Parks may make expenditures  
509 from this special fund account solely for said purpose. The  
510 commission may lease the submerged beds for sand and gravel on  
511 such a basis as it may deem proper, but where the waters lie  
512 between this state and an adjoining state, there must be a cash  
513 realization to this state, including taxes paid for such sand and  
514 gravel, equal to that being had by such adjoining state, in all  
515 cases the requisite consents therefor being lawfully obtained from  
516 the United States.

517 The Department of Environmental Quality is authorized to  
518 employ competent engineering personnel to survey the territorial  
519 waters of this state in the Mississippi Sound and the Gulf of  
520 Mexico and to prepare a map or plat of such territorial waters,  
521 divided into blocks of not more than six thousand (6,000) acres  
522 each with coordinates and reference points based upon longitude  
523 and latitude surveys. The commission is authorized to adopt such  
524 survey, plat or map for leasing of such submerged lands for  
525 mineral development; and such leases may, after the adoption of  
526 such plat or map, be made by reference to the map or plat, which  
527 shall be on permanent file with the commission and a copy thereof  
528 on file in the Office of the State Oil and Gas Board.

529 SECTION 8. Section 29-7-17, Mississippi Code of 1972, is  
530 amended as follows:[JWB8]

531 29-7-17. (1) Any person found by the commission to be  
532 violating any of the provisions of Section 29-7-3, or any rule or  
533 regulation or written order of the commission in pursuance  
534 thereof, or any condition or limitation of a permit shall be  
535 subject to a civil penalty of not more than Ten Thousand Dollars  
536 (\$10,000.00) for each violation, such penalty to be assessed and  
537 levied by the commission after a hearing as hereinafter provided.

538 Each day upon which a violation occurs shall be deemed a separate

539 and additional violation. Appeals from the imposition of a civil  
540 penalty may be taken to the appropriate chancery court in the same  
541 manner as appeals from the orders of the commission. If the  
542 appellant desires to stay the execution of a civil penalty  
543 assessed by the commission, he shall give bond with sufficient  
544 resident sureties of one or more guaranty or surety companies  
545 authorized to do business in this state, payable to the State of  
546 Mississippi, in an amount equal to double the amount of any civil  
547 penalty assessed by the commission, as to which the stay of  
548 execution is desired, on the condition that if the judgment shall  
549 be affirmed the appellant shall pay all costs of the assessment  
550 entered against him.

551 (2) In lieu of, or in addition to, the penalty provided in  
552 subsection (1) of this section, the commission shall have power to  
553 institute and maintain in the name of the state any and all  
554 proceedings necessary or appropriate to enforce the provisions of  
555 Section 29-7-3, rules and regulations promulgated, and orders and  
556 permits made and issued thereunder, in the appropriate circuit,  
557 chancery, county or justice court of the county in which venue may  
558 lie. The commission may obtain mandatory or prohibitory  
559 injunctive relief, either temporary or permanent, and it shall not  
560 be necessary in such cases that the state plead or prove: (i)  
561 that irreparable damage would result if the injunction did not  
562 issue; (ii) that there is no adequate remedy at law; or (iii) that  
563 a written complaint or commission order has first been issued for  
564 the alleged violation.

565 (3) Any person who violates any of the provisions of, or  
566 fails to perform any duty imposed by, Section 29-7-3 or any rule  
567 or regulation issued hereunder, or who violates any order or  
568 determination of the commission promulgated pursuant to such  
569 section, and causes the death of fish, shellfish, or other  
570 wildlife shall be liable, in addition to the penalties provided in  
571 subsections (1), (2), (4) and (5) of this section, to pay to the

572 state an additional amount equal to the sum of money reasonably  
573 necessary to restock such waters or replenish such wildlife as  
574 determined by the commission after consultation with the  
575 Mississippi Commission on Wildlife, Fisheries and Parks. Such  
576 amount may be recovered by the commission on behalf of the state  
577 in a civil action brought in the appropriate county or circuit  
578 court of the county in which venue may lie.

579 (4) Any person who, through misadventure, happenstance or  
580 otherwise causes damage to or destruction of state-owned lands or  
581 structures or other property thereon necessitating remedial or  
582 clean-up action shall be liable for the cost of such remedial or  
583 clean-up action and the commission may recover the cost of same by  
584 a civil action brought in the circuit court of the county in which  
585 venue may lie. This penalty may be recovered in lieu of or in  
586 addition to the penalties provided in subsections (1), (2), (3)  
587 and (5) of this section.

588 (5) It shall be unlawful for any person to conduct  
589 unauthorized mineral exploration, development, or extraction  
590 activity or to violate the provisions of Section 29-7-3 or the  
591 rules and regulations of the commission which relate to mineral  
592 exploration, development, or extraction activity and, upon  
593 conviction thereof, such person shall be guilty of a misdemeanor,  
594 and fined not less than Five Hundred Dollars (\$500.00) nor more  
595 than Five Thousand Dollars (\$5,000.00) for each offense. Each day  
596 on which such violation occurs or continues shall constitute a  
597 separate offense.

598 (6) In lieu of or in addition to the penalties prescribed  
599 hereinabove, any person convicted by a court of law or found  
600 guilty by the commission of unlawful mineral extraction activity  
601 on state-owned lands shall repay to the state the fair market  
602 value of the minerals unlawfully extracted.

603 (7) Proceedings before the commission on civil violations  
604 prescribed hereinabove shall be conducted in the manner set forth

605 in Sections 49-17-31, 49-17-33 and 49-17-35, with appeals  
606 therefrom to be perfected in the manner set forth in Section  
607 49-17-41.

608 SECTION 9. Section 37-101-19, Mississippi Code of 1972, is  
609 amended as follows:[JWB9]

610 37-101-19. The Board of Trustees of State Institutions of  
611 Higher Learning is hereby authorized and empowered to establish  
612 and maintain a marine research laboratory on lands belonging to  
613 the State of Mississippi, said lands being a part of the Magnolia  
614 State Park in Jackson County, Mississippi, and to be assigned for  
615 the use of such laboratory by the Mississippi Department of Marine  
616 Resources.

617 The marine research laboratory may, in the discretion of the  
618 Board of Trustees of State Institutions of Higher Learning, be  
619 operated by the Mississippi Academy of Science, Inc., under the  
620 supervision and control of the Board of Trustees of State  
621 Institutions of Higher Learning.

622 The Board of Trustees of State Institutions of Higher  
623 Learning is hereby authorized and empowered to expend annually out  
624 of its regular appropriation for the support and maintenance of  
625 institutions of higher learning a sum not exceeding Five Thousand  
626 Dollars (\$5,000.00) for the support and maintenance of the marine  
627 research laboratory.

628 SECTION 10. Section 39-5-41, Mississippi Code of 1972, is  
629 amended as follows:[JWB10]

630 39-5-41. The Mississippi Department of Wildlife, Fisheries  
631 and Parks is hereby authorized and empowered to transfer title to  
632 the Dancing Rabbit Creek Treaty property to the Department of  
633 Archives and History.

634 SECTION 11. Section 49-1-1, Mississippi Code of 1972, is  
635 amended as follows:[CR11]

636 49-1-1. Wherever used in this chapter, or in any other  
637 statute, or rule or regulation affecting the former State Game and

638 Fish Commission and any of its functions or duties:

639 (a) \* \* \* "Commission" means the Mississippi Commission  
640 on Wildlife, Fisheries and Parks.

641 (b) \* \* \* "Department" means the Mississippi Department  
642 of Wildlife, Fisheries and Parks.

643 (c) \* \* \* "Director" means the Executive Director of  
644 the Mississippi Department of Wildlife, Fisheries and Parks.

645 (d) "Executive director" means the Executive Director  
646 of the Mississippi Department of Wildlife, Fisheries and Parks.

647 SECTION 12. Section 49-1-19, Mississippi Code of 1972, is  
648 amended as follows:[CR12]

649 49-1-19. (1) No member of the commission, the executive  
650 director, administrative officer, employee, supervisor or  
651 conservation officer shall be active in any manner for or on  
652 behalf of his own candidacy or the candidacy of any candidate for  
653 any public office during his term of office or employment with  
654 said department. Violation of this subsection shall constitute a  
655 Class II violation and upon conviction thereof the violator shall  
656 be punished as provided in Section 49-7-143 for each offense. A  
657 conviction shall render vacant the office or position of the  
658 violator.

659 (2) While retaining the right to vote as he may please and  
660 to express privately his opinions on all political subjects, no  
661 executive director \* \* \* or conservation officer shall use his  
662 official authority or influence for the purpose of interfering  
663 with an election or affecting the results thereof, nor for the  
664 purpose of coercing the political action of any person or body.

665 SECTION 13. Section 49-1-33, Mississippi Code of 1972, is  
666 amended as follows:[JWB13]

667 49-1-33. Whenever the \* \* \* commission \* \* \* shall desire to  
668 construct or cause to be constructed any dam or similar structure  
669 in or across any lake, stream, river or other waters under its  
670 control in order to prevent or control the deterioration or drying

671 up of such waters, and the construction of such dam or other  
672 structure could cause the level of such waters to be raised and  
673 thereby cause the land or property adjoining or adjacent to such  
674 lake, stream, river, or other waters to be overflowed, inundated  
675 or flooded, the \* \* \* commission shall have the power and  
676 authority to acquire, hold and own any such land or property so  
677 overflowed, inundated or flooded from the owner thereof by  
678 purchase, grant, donation, or otherwise. The \* \* \* commission is  
679 hereby authorized and empowered to exercise the right of eminent  
680 domain to condemn any such land or property in the manner and  
681 method now or hereafter provided by law for the exercise of such  
682 right of eminent domain by railway, telegraph and telephone  
683 companies, and/or the \* \* \* Mississippi Transportation Commission.

684 SECTION 14. Section 49-1-35, Mississippi Code of 1972, is  
685 amended as follows:[JWB14]

686 49-1-35. The commission \* \* \* may publish an official  
687 magazine concerning the activities of the department \* \* \* and  
688 other matters of interest to Mississippi hunters, fishermen,  
689 boaters and other outdoorsmen. The commission may charge and  
690 collect a fee for subscriptions and \* \* \* make such other rules  
691 and regulations as may be necessary for the publishing of such  
692 magazine. The subscription rates shall be as follows: for a  
693 one-year subscription, not less than Five Dollars (\$5.00) nor more  
694 than Nine Dollars (\$9.00); for a two-year subscription, not less  
695 than Nine Dollars and Fifty Cents (\$9.50) nor more than Seventeen  
696 Dollars and Fifty Cents (\$17.50); and for a three-year  
697 subscription, not less than Fourteen Dollars and Fifty Cents  
698 (\$14.50) nor more than Twenty-six Dollars and Fifty Cents  
699 (\$26.50). The department \* \* \* may establish a fund to be known  
700 as the MS Outdoors Fund. The proceeds from subscriptions shall be  
701 deposited in such fund. Monies in such fund shall be deposited in  
702 an interest-bearing account in an approved state depository.  
703 Proceeds from this account, along with the interest earned on the

704 same, for each fiscal year's magazine shall be transferred to the  
705 Bureau of Administration's operating account to defray the  
706 publishing expenses of MS Outdoors and related expenses.

707 SECTION 15. Section 49-1-41, Mississippi Code of 1972, is  
708 amended as follows:[JWB15]

709 49-1-41. The \* \* \* commission may issue a permit, revocable  
710 at pleasure, to any person authorizing the holder to collect and  
711 possess wild animals or wild birds, or birds' nests or eggs for  
712 scientific purposes, but no permit shall authorize the collection,  
713 possession, purchase or sale of migratory birds, or their nests or  
714 eggs, included in the terms of the Migratory Bird Treaty Act of  
715 July 3, 1918, and the federal regulations thereunder, for  
716 scientific exhibition, or propagating purposes, contrary to the  
717 provisions of said act and/or regulations. Before such a permit  
718 is issued for scientific purposes the applicant must pay the sum  
719 of One Dollar (\$1.00) for the permit; but duly accredited  
720 representatives of public educational or scientific institutions,  
721 or government departments of the United States engaged in the  
722 scientific study of birds and animals may be granted any permit  
723 required under this act without enforcement or charge, and no  
724 scientific permittee shall be required to obtain a hunting  
725 license.

726 Permits to take, possess, purchase or sell rare or endangered  
727 species shall not be issued except, at the discretion of the  
728 commission, to a duly accredited representative of a school,  
729 college or university, museum or other scientific institution, or  
730 a representative of a federal or state agency for scientific or  
731 propagation purposes devoted to perpetuating the species.

732 Permits to take game or fur-bearing animals or game birds  
733 during the closed season shall not be issued except to a duly  
734 accredited representative of a school, college or university,  
735 museum or other scientific institution, or a representative of a  
736 state game commission to restock the covers of the state which he

737 represents.

738           A person holding a valid permit issued pursuant to the  
739 provisions of this section may buy, sell, possess and transport,  
740 for scientific purposes, the animals and birds legally taken, and  
741 sell them alive for propagation or stocking purposes, to a person  
742 holding such a permit.

743           When transported by a common carrier, or contained in a  
744 package, such a specimen, or any package in which same is  
745 transported, shall have clearly and conspicuously marked on the  
746 outside the name and address of the consignor and consignee, an  
747 accurate statement of the number and kinds of animals or birds or  
748 specimens, or parts thereof, or birds' nests or eggs contained  
749 therein, and that such specimens are for scientific or propagation  
750 purposes.

751           Each person receiving a permit under this section must file  
752 with the commission within fifteen (15) days after the expiration  
753 of his permit, a report of his operations under the permit, which  
754 report shall set forth the name and address of the permittee,  
755 number of his permit, number of specimens of each species taken  
756 thereunder, or otherwise acquired, disposition of same, names and  
757 addresses of persons acquiring same from the permittee, and number  
758 of each species in captivity and the number on hand for  
759 propagation purposes at the expiration of the permit.

760           The commission may prescribe \* \* \* rules and regulations  
761 governing the possession, purchase, sale and transportation of  
762 animals and birds for propagation purposes or raised in captivity  
763 under this section.

764           SECTION 16. Section 49-1-47, Mississippi Code of 1972, is  
765 amended as follows:[JWB16]

766           49-1-47. The \* \* \* commission is hereby authorized to  
767 execute and deliver deeds or other documents to make clear any  
768 ambiguity that may exist in any deed or conveyance to it, or to  
769 make the deed or conveyance to the \* \* \* commission conform to the

770 intent of the parties as to the estate or rights or easements  
771 conveyed. Such deeds or documents shall be based upon an order of  
772 the commission setting forth the facts, shall be submitted to and  
773 approved by the Attorney General and executed and delivered for  
774 the commission by the director.

775 SECTION 17. Section 49-1-51, Mississippi Code of 1972, is  
776 amended as follows:[JWB17]

777 49-1-51. All funds collected by the department \* \* \*  
778 under \* \* \* this chapter shall be used by the \* \* \* commission for  
779 the purpose of carrying out all purposes of this chapter.

780 SECTION 18. Section 49-1-53, Mississippi Code of 1972, is  
781 amended as follows:[JWB18]

782 49-1-53. The department may, with any funds owned by it,  
783 purchase equipment and/or office furnishings sufficient to carry  
784 on its work; and, if the Department of Finance and Administration  
785 cannot assign suitable offices for the department in either of the  
786 state capitols, in the city of Jackson, then the Department of  
787 Finance and Administration shall rent suitable offices to properly  
788 house the department which shall then be authorized to pay such  
789 rental out of any of its funds. \* \* \*

790 SECTION 19. Section 49-1-55, Mississippi Code of 1972, is  
791 amended as follows:[JWB19]

792 49-1-55. (1) The Mississippi Commission on Wildlife,  
793 Fisheries and Parks' Mississippi Museum of Natural Science is  
794 hereby designated as Mississippi's official State Natural Science  
795 Museum.

796 The museum will henceforth be named "Mississippi Museum of  
797 Natural Science, The Fannye A. Cook Memorial, a Division of the  
798 Mississippi Department of Wildlife, Fisheries and Parks."

799 (2) The Legislature shall annually appropriate from the  
800 General Fund a sum to defray not less than one hundred percent  
801 (100%) of the expenses of the museum.

802 SECTION 20. Section 49-2-1, Mississippi Code of 1972, is

803 amended as follows:[JWB20]

804 49-2-1. It is hereby declared to be the intent of the  
805 Legislature to conserve, manage, develop and protect our natural  
806 resources and wildlife for the benefit of this and succeeding  
807 generations by reorganizing the natural resource and wildlife  
808 conservation functions of state government into the Mississippi  
809 Department of Environmental Quality and the Mississippi Department  
810 of Wildlife, Fisheries and Parks thereby providing more effective  
811 organizations through which the methods of conserving, managing,  
812 developing and protecting our natural resources and wildlife can  
813 be analyzed, coordinated and implemented.

814 SECTION 21. Section 49-2-19, Mississippi Code of 1972, is  
815 amended as follows:[JWB21]

816 49-2-19. All employees of the department \* \* \*, when  
817 authorized by the executive director, shall be entitled to  
818 transportation, traveling and subsistence expenses while away from  
819 the office on official business of the department, in accordance  
820 with \* \* \* Section 25-3-41, Mississippi Code of 1972.

821 SECTION 22. Section 49-3-13, Mississippi Code of 1972, is  
822 amended as follows:[JWB22]

823 49-3-13. The laboratory personnel shall cooperate fully with  
824 the colleges and universities of the state, the Mississippi State  
825 Department of Agriculture and Commerce, and the Mississippi  
826 Department of Wildlife, Fisheries and Parks in an effort to fully  
827 effectuate the purpose of this chapter. All state agencies and  
828 departments are hereby authorized and directed to give the  
829 laboratory and its personnel their full cooperation in every  
830 possible manner.

831 SECTION 23. Section 49-4-1, Mississippi Code of 1972, is  
832 amended as follows:[JWB23]

833 49-4-1. It is hereby declared to be the intent of the  
834 Legislature to conserve, manage, develop and protect our natural  
835 resources and wildlife for the benefit of this and succeeding

836 generations by reorganizing the natural resource and wildlife  
837 conservation functions of state government into the Mississippi  
838 Department of Environmental Quality and the Mississippi Department  
839 of Wildlife, Fisheries and Parks thereby providing more effective  
840 organizations through which the methods of conserving, managing,  
841 developing and protecting our natural resources and wildlife can  
842 be analyzed, coordinated and implemented.

843 SECTION 24. Section 49-4-19, Mississippi Code of 1972, is  
844 amended as follows:[JWB24]

845 49-4-19. All employees of the department \* \* \*, when  
846 authorized by the executive director, shall be entitled to  
847 transportation, traveling and subsistence expenses while away from  
848 the office on official business of the department, in accordance  
849 with \* \* \* Section 25-3-41, Mississippi Code of 1972.

850 SECTION 25. The following shall be codified as Section  
851 49-5-2, Mississippi Code of 1972:

852 49-5-2. For purposes of this chapter, the following words  
853 shall have the meanings ascribed herein unless the context  
854 otherwise requires:

855 (a) "Commission" means the Mississippi Commission on  
856 Wildlife, Fisheries and Parks.

857 (b) "Department" means the Mississippi Department of  
858 Wildlife, Fisheries and Parks.

859 (c) "Executive director" means the Executive Director  
860 of the Mississippi Department of Wildlife, Fisheries and Parks.

861 SECTION 26. Section 49-5-1, Mississippi Code of 1972, is  
862 amended as follows:[JWB25]

863 49-5-1. (1) All lands belonging to the State of Mississippi  
864 whether held in fee or in trust by the state, are hereby declared  
865 forest reserves and wild life refuges so long as the state so owns  
866 them, and no wild life shall be taken thereon except under  
867 regulations of the \* \* \* commission.

868 (2) Every public park, golf course and play ground,

869 containing as much as fifty (50) acres, shall constitute, and is  
870 hereby declared to be a sanctuary or preserve for the protection  
871 and propagation of bird and animal life.

872 (3) The Secretary of State, by and with the consent and  
873 approval of the Attorney General and the \* \* \* commission, is  
874 hereby authorized and empowered to lease, for a term not exceeding  
875 twenty (20) years, the cut-over, swamp and overflowed lands  
876 belonging to the state and unsuitable for cultivation, for the  
877 purpose of establishing game and fish preserves, but the lease of  
878 such land for game preserve purposes shall not be applied to  
879 tracts of land of less than one thousand (1,000) acres of  
880 contiguous lands.

881 Such a lease shall provide that the lessee or lessees of the  
882 cut-over, swamp or overflowed land shall not cut any timber for  
883 commercial purposes or permit waste thereof or of the lands and  
884 shall not include the right to mine the oil, gas and minerals on  
885 or under the said land. As a consideration for the lease, the  
886 Secretary of State, by and with the consent of the Attorney  
887 General and the \* \* \* commission, shall contract that the lessee  
888 or lessees shall at all times protect the state's interest in and  
889 to the timber growing on the leased lands.

890 However, nothing in this subsection shall prevent the state  
891 from selling at any time any timber or any of said lands so  
892 leased, or leasing and/or drilling such lands for gas, oil, and/or  
893 minerals.

894 Furthermore, nothing in this subsection shall prevent the  
895 homesteading of any lands so leased.

896 SECTION 27. Section 49-5-11, Mississippi Code of 1972, is  
897 amended as follows:[JWB26]

898 49-5-11. In addition to the powers and duties now conferred  
899 upon the \* \* \* commission \* \* \* may, in its discretion, purchase  
900 by negotiation, contract by option to purchase, provided the  
901 option is exercised within a period of ten (10) years from the

902 time executed, the land necessary and requisite for the  
903 construction and maintenance \* \* \* of game and fish management  
904 projects or game and fish hunting and fishing refuge.

905 SECTION 28. Section 49-5-13, Mississippi Code of 1972, is  
906 amended as follows:[JWB27]

907 49-5-13. (1) The commission \* \* \* may adopt rules and  
908 regulations regulating public hunting and fishing in any wildlife  
909 conservation management projects or wildlife conservation hunting  
910 and fishing refuges constructed under \* \* \* this chapter, and may  
911 prescribe and collect fees for the privilege of hunting and  
912 fishing in such projects and shall have general authority to  
913 operate such wildlife conservation management areas or refuges.

914 (2) The commission \* \* \* may adopt such rules and  
915 regulations that may be necessary for the management and control  
916 of such wildlife conservation management areas or refuges.

917 (3) The Department of Finance and Administration may lease  
918 any lands other than woodlands owned by the state within wildlife  
919 conservation management areas as long as such lands are not within  
920 the boundaries of the used portions of such areas and so long as  
921 such lands are leased as provided for in subsections (4) and (5)  
922 of this section. The rental from any such lease is to be paid to  
923 the commission \* \* \* and expended as hereinafter provided.

924 (4) The commission \* \* \* shall recommend to the Department  
925 of Finance and Administration the number of acres of land within  
926 wildlife conservation management areas which should be leased to  
927 private entities. The Department of Finance and Administration  
928 shall have the authority to lease for agricultural purposes that  
929 land so recommended for not less than one (1) nor more than five  
930 (5) years. The Department of Finance and Administration shall  
931 lease the lands for cash rent only. The Department of Finance and  
932 Administration shall reserve and exclude from any such lands the  
933 hunting rights on the lands at all times after the crops are  
934 harvested and until the lands are again planted.

935 (5) It shall be the duty of the Department of Finance and  
936 Administration to lease such lands at public contract upon the  
937 submission of two (2) or more sealed bids to the Department of  
938 Finance and Administration after having advertised such land for  
939 rent in a newspaper of general circulation published in the county  
940 in which the land is located, or if no newspaper be published in  
941 said county, then in a newspaper having a general circulation  
942 therein, for a period of not less than two (2) successive weeks.  
943 The first publication shall be made not less than ten (10) days  
944 prior to the date of such public contract, and the last  
945 publication shall be made not more than seven (7) days prior to  
946 such date. The Department of Finance and Administration shall  
947 have the authority to reject any and all bids. If all bids on a  
948 tract or parcel of land are rejected, the Department of Finance  
949 and Administration may then advertise for new bids on that tract  
950 or parcel of land. Successful bidders shall take possession of  
951 their leaseholds at such time authorized by the Department of  
952 Finance and Administration. Provided, however, rent shall be due  
953 no later than the day upon which the lessee shall assume  
954 possession of the leasehold, and shall be due on the anniversary  
955 date for each following year of the lease. The Department of  
956 Finance and Administration shall have the rights and remedies for  
957 the security and collection of such rents given by law to  
958 landlords. Upon the execution of the leases as authorized by this  
959 section, the leased land shall be liable to be taxed as other  
960 lands are taxed during the continuance of the lease, but in case  
961 of sale thereon for taxes, only the title of the leaseholder or  
962 his heirs or assigns shall pass by the sale.

963 SECTION 29. Section 49-5-15, Mississippi Code of 1972, is  
964 amended as follows:[JWB28]

965 49-5-15. The \* \* \* commission may contract with any county  
966 or counties in which such a game and fish management project or  
967 game and fish hunting and fishing refuge may be located or any

968 municipality located in such county, for the joint support and  
969 maintenance thereof so that the cost of acquisition, construction  
970 and maintenance of such project may be borne jointly by such  
971 agencies. The commission may use any revenues \* \* \* from the sale  
972 of timber, mineral leases on such land, any donations made to such  
973 a project by any agency of the federal government or the State of  
974 Mississippi or fees collected \* \* \* for permits granted for  
975 hunting and fishing thereon toward financing same.

976 SECTION 30. Section 49-5-16, Mississippi Code of 1972, is  
977 amended as follows:[JWB29]

978 49-5-16. The \* \* \* commission may enter into agreements with  
979 counties in which game and fish wildlife management areas are  
980 located, and to accept monies from the counties, the federal  
981 government, or from any other sources, for the construction and  
982 operation of lodges on lands owned by the \* \* \* commission. The  
983 lodges shall be controlled and operated by the commission.

984 SECTION 31. Section 49-5-17, Mississippi Code of 1972, is  
985 amended as follows:[JWB30]

986 49-5-17. Bonds may be issued by any municipality or county  
987 as now authorized by Section 55-9-1 to secure funds \* \* \* to  
988 purchase the required lands and to construct game and fish  
989 management projects, all of which shall be done under the  
990 direction of the \* \* \* commission. Such bonds shall be retired by  
991 the proceeds of ad valorem taxes levied by such counties and  
992 municipalities, and the \* \* \* commission may pledge to the payment  
993 of such bonds any funds accruing to it under \* \* \* this chapter.

994 SECTION 32. Section 49-5-19, Mississippi Code of 1972, is  
995 amended as follows:[CR31]

996 49-5-19. Notices or sign boards not less than one (1) foot  
997 square, warning all persons against hunting, trapping, or fishing,  
998 or trespassing thereon for that purpose, shall be conspicuously  
999 posted by the executive director \* \* \*, or under his direction,  
1000 close to and along the entire boundary of any refuge, sanctuary,

1001 rest ground, lake or stream, or portion thereof, closed to hunting  
1002 or fishing by order of the commission, in such number as the  
1003 executive director may deem necessary.

1004 No order of the commission closing any area to hunting,  
1005 trapping or fishing shall become effective until such order has  
1006 been published in the manner required by \* \* \* Section 49-1-45 and  
1007 copy of the order, certified by the secretary of the commission,  
1008 shall be filed in the office of the sheriff of the county or  
1009 counties in which such closed area is located.

1010 No person shall take or destroy any animal, bird, or fish, or  
1011 bird's nest or egg, or eggs or spawn of fish in any refuge,  
1012 sanctuary, rest ground, or other area closed to hunting, trapping  
1013 or fishing by order of the commission, but it shall be lawful for  
1014 a duly accredited employee of the state or of the federal  
1015 government to take predatory animals or birds on any such closed  
1016 area.

1017 SECTION 33. Section 49-5-21, Mississippi Code of 1972, is  
1018 amended as follows:[JWB32]

1019 49-5-21. (1) The department \* \* \* shall transfer all funds  
1020 under its control into a special fund in the State Treasury to be  
1021 segregated and known as the "Fisheries and Wildlife Fund," which  
1022 fund can only be expended as authorized by the Legislature for the  
1023 purposes for which the department \* \* \* was created. All funds  
1024 derived from the sale of licenses, fees, fines and other  
1025 revenues \* \* \* received by the department \* \* \* as \* \* \* provided  
1026 by law, shall be deposited in the Fisheries and Wildlife  
1027 Fund \* \* \*. The interest obtained thereon from any investment or  
1028 deposit made pursuant to Section 27-105-33, Mississippi Code of  
1029 1972, shall be credited by the State Treasurer to the \* \* \*  
1030 Fisheries and Wildlife Fund and shall not be paid into the General  
1031 Fund of Mississippi.

1032 (2) The department \* \* \* may expend such sums as are  
1033 authorized by the Legislature from the Fisheries and Wildlife

1034 Fund \* \* \* for paying salaries of its employees, operating and  
1035 maintaining equipment and for any other purpose the department is  
1036 authorized to expend funds by law, which amount shall be available  
1037 for expenditure.

1038 The money herein authorized shall be paid by the State  
1039 Treasurer out of the Fisheries and Wildlife Fund on warrants  
1040 issued by the Executive Director of the Department of Finance and  
1041 Administration \* \* \* upon requisition signed by the Executive  
1042 Director of the Mississippi Department of Wildlife, Fisheries and  
1043 Parks.

1044 (3) The department \* \* \* shall prepare and submit annually  
1045 to the Legislature a budget for its proposed operation. The  
1046 budget \* \* \* required shall reflect all anticipated revenues from  
1047 all sources, including all grants and matching funds, together  
1048 with all proposed expenditures. The budget shall be prepared in  
1049 the same manner as is now required of other departments of this  
1050 state. The department \* \* \* shall be subject to budgetary control  
1051 and audit in the same manner as is provided by law for other  
1052 departments and agencies. Nothing in this section shall be  
1053 construed as requiring legislative appropriation of such Fisheries  
1054 and Wildlife Fund, but it is intended that expenditure of such  
1055 funds shall be under authority of the budget approved as herein  
1056 provided and as authorized by the Legislature.

1057 SECTION 34. Section 49-5-23, Mississippi Code of 1972, is  
1058 amended as follows:[CR33]

1059 49-5-23. Consent is hereby given to the making by the  
1060 Congress of the United States, or under its authority, of all such  
1061 rules and regulations as the federal government shall determine to  
1062 be needful in respect to game animals, game and nongame birds, and  
1063 fish on such lands in the State of Mississippi as shall have been,  
1064 or may hereafter be, purchased by the United States under the  
1065 terms of the act of Congress of March 1, 1911, entitled "An Act to  
1066 Enable Any State to Cooperate With Any Other State or With the

1067 United States for the Protection of the Watersheds of Navigable  
1068 Streams and to Appoint a Commission for the Acquisition of Lands  
1069 for the Purpose of Conserving the Navigability of Navigable  
1070 Rivers," and acts of Congress supplementary thereto and amendatory  
1071 thereof, and in or on the waters thereof.

1072 The executive director \* \* \* shall have the right and  
1073 authority to enter into a cooperative agreement with the United  
1074 States government, or with the proper authorities thereof, for the  
1075 protection and management of the wild life resources of the  
1076 national forest lands within the State of Mississippi and for the  
1077 restocking of the same with desirable species of game, birds, and  
1078 other animals, and fish.

1079 SECTION 35. Section 49-5-25, Mississippi Code of 1972, is  
1080 amended as follows:[JWB34]

1081 49-5-25. The State of Mississippi hereby assents to the  
1082 provisions of the acts of Congress entitled "An Act to Provide  
1083 that the United States Shall Aid the State in Wildlife Restoration  
1084 Projects, and for Other Purposes," approved September 2, 1937  
1085 (Public Law No. 415, 75th Congress, 1st Session), and the \* \* \*  
1086 commission \* \* \* may perform such acts as may be necessary to the  
1087 conduct and establishment of cooperative wildlife restoration  
1088 projects, as defined in that act of Congress, in compliance with  
1089 the act and rules and regulations promulgated by the Secretary of  
1090 Interior thereunder; and no monies accruing to the State of  
1091 Mississippi from license fees paid by hunters shall be diverted  
1092 for any other purpose than the administration of the \* \* \*  
1093 department.

1094 SECTION 36. Section 49-5-27, Mississippi Code of 1972, is  
1095 amended as follows:[JWB35]

1096 49-5-27. The State of Mississippi hereby assents to the  
1097 provisions of the act of Congress entitled "An Act to Provide that  
1098 the United States Shall Aid the States in Fish Restoration and  
1099 Management Projects," approved August 9, 1950 (Public Laws 681,

1100 81st Congress), and the \* \* \* commission \* \* \* may perform such  
1101 acts as may be necessary to the conduct and establishment of  
1102 cooperative fish restoration projects, as defined in that act of  
1103 Congress in compliance with the act and rules and regulations  
1104 promulgated by the Secretary of the Department of Interior  
1105 thereunder; and no funds accruing to the State of Mississippi from  
1106 license fees paid by fishermen shall be diverted for any other  
1107 purpose than the administration of the department and for the  
1108 protection, propagation, preservation and investigation of fish  
1109 and game.

1110 SECTION 37. Section 49-5-35, Mississippi Code of 1972, is  
1111 amended as follows:[JWB36]

1112 49-5-35. The department \* \* \* is authorized to cooperate  
1113 with the United States Bureau of Biological Survey in the taking,  
1114 killing and destruction of predatory animals within the state that  
1115 are destructive to game birds, animals and livestock. The  
1116 department \* \* \* may pay its proportionate share of the salary and  
1117 expenses of the designated representative of the Bureau of  
1118 Biological Survey out of any funds to the credit of the Fisheries  
1119 and Wildlife Fund for the purpose of carrying out this section.

1120 SECTION 38. Section 49-5-37, Mississippi Code of 1972, is  
1121 amended as follows:[JWB37]

1122 49-5-37. The sum of Twenty-five Thousand Dollars  
1123 (\$25,000.00), or so much thereof as may be necessary is hereby  
1124 appropriated out of any money in the treasury of the department,  
1125 for the purpose of eradicating rabies among foxes in any county in  
1126 the State of Mississippi, when the Board of Health or the \* \* \*  
1127 commission \* \* \* determines that the disease is prevalent in any  
1128 county or district.

1129 SECTION 39. Section 49-5-61, Mississippi Code of 1972, is  
1130 amended as follows:[JWB38]

1131 49-5-61. (1) The Mississippi Commission on Wildlife,  
1132 Fisheries and Parks shall be the Wildlife Heritage Committee and

1133 shall exercise the duties and authority granted to such committee  
1134 pursuant to Sections 49-5-69 through 49-5-98, and pursuant to any  
1135 other laws of the State of Mississippi.

1136 (2) Wherever the term "Wildlife Heritage Committee" appears  
1137 in the laws of the State of Mississippi, it shall be construed to  
1138 mean the Mississippi Commission on Wildlife, Fisheries and Parks,  
1139 unless the context clearly means to refer to the former Wildlife  
1140 Heritage Committee.

1141 SECTION 40. Section 49-5-69, Mississippi Code of 1972, is  
1142 amended as follows:[CR39]

1143 49-5-69. The commission is hereby authorized to make and  
1144 execute agreements, contracts, and other instruments necessary or  
1145 convenient in the exercise of the powers and functions of the  
1146 committee under Sections 49-5-61 through 49-5-85, including  
1147 contracts with any firm, person, corporation, governmental agency  
1148 or other entity and each and any Mississippi governmental agency  
1149 is hereby authorized to enter into contracts and otherwise  
1150 cooperate with the committee to facilitate the purpose of Sections  
1151 49-5-61 through 49-5-85.

1152 SECTION 41. Section 49-5-73, Mississippi Code of 1972, is  
1153 amended as follows:[CR40]

1154 49-5-73. The commission may employ fiscal consultants,  
1155 engineers, attorneys, real estate counselors, appraisers and such  
1156 other consultants and employees as may be required in the judgment  
1157 of the commission and to fix and pay their compensation from funds  
1158 available to the commission.

1159 SECTION 42. Section 49-5-75, Mississippi Code of 1972, is  
1160 amended as follows:[CR41]

1161 49-5-75. The commission may make such rules and regulations,  
1162 inaugurate such studies and surveys and establish such programs as  
1163 it may deem necessary to carry out the provisions and purposes of  
1164 Sections 49-5-61 through 49-5-85.

1165 SECTION 43. Section 49-5-77, Mississippi Code of 1972, is

1166 amended as follows:[JWB42]

1167           49-5-77. (1) The commission is hereby empowered and  
1168 authorized to establish a fund to be known as the Wildlife  
1169 Heritage Fund to be deposited in an approved state depository and  
1170 expended by appropriation approved by the Legislature as provided  
1171 by law. The interest obtained from any investment or deposit of  
1172 monies in such fund shall be deposited by the commission into such  
1173 fund.

1174           (2) The commission is empowered and authorized, in addition  
1175 to such sums as may be appropriated from time to time by the  
1176 Legislature, to accept from any person, firm, corporation or  
1177 agency of government, national, state or local any gifts or  
1178 devise, lands, money for the purpose of acquiring by lease, or  
1179 purchase any area for hunting or fishing use or for the  
1180 preservation of any species of wildlife or fish. Such lands and  
1181 waters as are acquired under the provisions of Sections 49-5-61  
1182 through 49-5-85 and Section 49-5-78 shall be under the  
1183 administration and control of the commission until a proper plan  
1184 shall be developed for the land or water. The commission shall  
1185 enter into an agreement with an appropriate agency in the  
1186 executive branch to develop a plan for the land or water. After  
1187 the plan is developed, the land or water shall be transferred to  
1188 the administration and control of the department \* \* \* or other  
1189 appropriate agency in the executive branch to be managed by the  
1190 agency according to the plan.

1191           (3) The commission is authorized and empowered to accept and  
1192 earmark for any purpose, not inconsistent with the provisions of  
1193 Sections 49-5-61 through 49-5-85, any gift or devise, lands or  
1194 money from any person, firm, corporation or governmental unit on  
1195 such terms and conditions as the donor may designate.

1196           SECTION 44. Section 49-5-78, Mississippi Code of 1972, is  
1197 amended as follows:[JWB43]

1198           49-5-78. Included in the hunting and \* \* \* fishing license

1199 fees authorized in Section 49-7-8, there shall be collected for  
1200 each nonresident license and renewal thereof, except nonresident  
1201 temporary fishing permits, a fee of Five Dollars (\$5.00), which  
1202 shall be paid into the Wildlife Heritage Fund established under  
1203 the provisions of subsection (1) of Section 49-5-77. The funds  
1204 generated from such additional fees shall be used from time to  
1205 time by the commission to purchase, and take title in the name of  
1206 the State of Mississippi, real estate to be used as hunting and/or  
1207 fishing areas by the people of the State of Mississippi. In  
1208 purchasing this real estate, the commission shall have all of the  
1209 powers, and shall be subject to all of the restrictions prescribed  
1210 in Sections 29-1-1 and 49-5-71. Transfer of title to any real  
1211 estate purchased under \* \* \* this section shall be by warranty  
1212 deed or deeds vesting title in fee simple, excepting mineral  
1213 rights where necessary, in the name of the State of Mississippi.  
1214 Any real estate purchased under \* \* \* this section shall be  
1215 subject to the provisions of subsection (2) of Section 49-5-77  
1216 regarding the development of plans for and the management of real  
1217 estate which is acquired by the department.

1218 SECTION 45. Section 49-5-81, Mississippi Code of 1972, is  
1219 amended as follows:[JWB44]

1220 49-5-81. The commission may enter into agreements with the  
1221 department for the purpose of providing camping and other  
1222 recreational facilities on any such land acquired under \* \* \*  
1223 Section 49-5-71.

1224 SECTION 46. Section 49-5-83, Mississippi Code of 1972, is  
1225 amended as follows:[JWB45]

1226 49-5-83. Monies expended from the Wildlife Heritage Fund  
1227 shall be spent only after proper resolution entered upon its  
1228 minutes by the commission and upon warrants signed by the chairman  
1229 of the commission and countersigned by the executive director of  
1230 the department. Such funds shall be audited at any time the  
1231 Governor shall so direct or by the State Auditor on an annual

1232 basis.

1233 SECTION 47. Section 49-5-86, Mississippi Code of 1972, is  
1234 amended as follows:[JWB46]

1235 49-5-86. For purposes of Sections 49-5-86 through 49-5-98,  
1236 the following words and terms shall have the meaning ascribed  
1237 herein unless the context otherwise requires:

1238 (a) \* \* \* "General obligation bonds" means bonds of the  
1239 State of Mississippi, to the repayment of which, both as to  
1240 principal and interest, the full faith, credit and taxing power of  
1241 the State of Mississippi are irrevocably pledged until the  
1242 principal and interest are paid in full.

1243 (b) \* \* \* "Bond commission" means the State Bond  
1244 Commission.

1245 (c) "Commission" means the Mississippi Commission on  
1246 Wildlife, Fisheries and Parks.

1247 (d) \* \* \* "Committee" or "Wildlife Heritage Committee"  
1248 means the Mississippi Commission on Wildlife, Fisheries and Parks.

1249 SECTION 48. Section 49-5-87, Mississippi Code of 1972, is  
1250 amended as follows:[CR47]

1251 49-5-87. (1) The commission shall have the power and is  
1252 hereby authorized to purchase and take title in the name of the  
1253 State of Mississippi, the following described land under the terms  
1254 and conditions hereinafter provided, to wit:

1255 Land presently owned by the Pascagoula Hardwood Company  
1256 totaling some thirty-one thousand nine hundred sixteen (31,916)  
1257 acres, more or less, situated as follows:

1258 (a) Seventeen thousand two hundred seventy-eight  
1259 (17,278) acres, more or less, in George County, Mississippi; and

1260 (b) Fourteen thousand six hundred twenty-eight (14,628)  
1261 acres, more or less, in Jackson County, Mississippi.

1262 (2) The purchase price of such land shall not exceed its  
1263 fair market value of Sixteen Million Five Hundred Thousand Dollars  
1264 (\$16,500,000.00) as of December 1, 1975, as determined by three

1265 (3) appraisals made by appraisers selected by the commission.

1266 (3) Transfer of title to such property shall be by warranty  
1267 deed or deeds vesting title in fee simple, excepting mineral  
1268 rights where necessary, in the name of the State of Mississippi.

1269 (4) The commission is hereby authorized and empowered to  
1270 exercise on the lands described in subsection (1) of this section  
1271 the same rights, powers and privileges as authorized and empowered  
1272 under the provisions of "The Nongame and Endangered Species  
1273 Conservation Act," being Sections 49-5-101 through 49-5-119.

1274 (5) Individual leaseholders of the lands described in  
1275 subsection (1) of this section, shall not be dispossessed of such  
1276 lands prior to April 15, 1978, unless found to be in violation of  
1277 the law and/or land management principles of Sections 49-5-101  
1278 through 49-5-119, or any other law, rule or regulation relating to  
1279 the management of the lands.

1280 SECTION 49. Section 49-5-88, Mississippi Code of 1972, is  
1281 amended as follows:[CR48]

1282 49-5-88. The commission shall have power and is hereby  
1283 authorized, at one time or from time to time, to declare by  
1284 resolution the necessity for issuance of negotiable general  
1285 obligation bonds of the State of Mississippi to provide funds to  
1286 be used exclusively and only for the purpose of acquiring all or  
1287 any part of the land described in Section 49-5-87, but in no event  
1288 shall the amount of bonds issued exceed a total of Thirteen  
1289 Million Five Hundred Thousand Dollars (\$13,500,000.00).

1290 The State Bond Commission shall not direct the issuance of  
1291 bonds under the provisions of Sections 49-5-86 through 49-5-98  
1292 when appropriations by the Legislature and bonds issued, or  
1293 requested to be issued, would exceed an aggregate total in excess  
1294 of Thirteen Million Five Hundred Thousand Dollars  
1295 (\$13,500,000.00).

1296 SECTION 50. Section 49-5-89, Mississippi Code of 1972, is  
1297 amended as follows:[CR49]

1298           49-5-89. Upon the adoption of a resolution by the commission  
1299 declaring the necessity for issuance of any part or all of the  
1300 general obligation bonds authorized by Sections 49-5-86 through  
1301 49-5-98 and set forth in Section 49-5-88, the commission shall  
1302 deliver a certified copy of its resolution or resolutions to the  
1303 State Bond Commission. Upon receipt of same, the State Bond  
1304 Commission shall, in its discretion, act as the issuing agent,  
1305 prescribe the form of the bonds, advertise for and accept bids,  
1306 issue and sell the bonds so authorized to be sold, and do any and  
1307 all other things necessary and advisable in connection with the  
1308 issuance and sale of such bonds. For the payment of said bonds  
1309 and the interest thereon, the full faith, credit and taxing power  
1310 of the State of Mississippi are hereby irrevocably pledged. If  
1311 the Legislature shall find that there are funds available in the  
1312 General Fund of the Treasury of the State of Mississippi in  
1313 amounts sufficient to pay maturing principal and accruing interest  
1314 of said general obligation bonds, and if the Legislature shall  
1315 appropriate such available funds for the purpose of paying such  
1316 maturing principal and accruing interest, then the maturing  
1317 principal and accruing interest of said bonds shall be paid from  
1318 appropriations made from the General Fund of the Treasury of the  
1319 State of Mississippi by the Legislature thereof; but if there are  
1320 not available sufficient funds in the General Fund of the Treasury  
1321 of the State of Mississippi to pay the maturing principal and  
1322 accruing interest of said bonds, or if such funds are available  
1323 and the Legislature should fail to appropriate a sufficient amount  
1324 thereof to pay such principal and accruing interest as the same  
1325 becomes due, then and in that event there shall annually be levied  
1326 upon all taxable property within the State of Mississippi an ad  
1327 valorem tax at a rate sufficient to provide the funds required to  
1328 pay the said bonds at maturity and the interest thereon as the  
1329 same accrues.

1330           Such bonds shall bear date or dates, be in such denomination

1331 or denominations, bear interest at such rate or rates, be payable  
1332 at such place or places within or without the State of  
1333 Mississippi, shall mature absolutely at such time or times, be  
1334 redeemable prior to maturity at such time or times and upon such  
1335 terms, with or without premium, shall bear such registration  
1336 privileges, and shall be substantially in such form, all as shall  
1337 be determined by resolution of the State Bond Commission.  
1338 Provided, however, that such bonds shall mature in annual  
1339 installments beginning not more than two (2) years from date  
1340 thereof and extending not more than twenty (20) years from date  
1341 thereof. Such bonds shall be signed by the Chairman of the State  
1342 Bond Commission, or by his facsimile signature, and the official  
1343 seal of the State Bond Commission shall be affixed thereto,  
1344 attested by the Secretary of the State Bond Commission. The  
1345 interest coupons to be attached to such bonds may be executed by  
1346 the facsimile signatures of said officers. Whenever any such  
1347 bonds shall have been signed by the officials herein designated to  
1348 sign the bonds, who were in the office at the time of such signing  
1349 but who may have ceased to be such officers prior to the sale and  
1350 delivery of such bonds, or who may not have been in office on the  
1351 date such bonds may bear, the signatures of such officers upon  
1352 such bonds and coupons shall nevertheless be valid and sufficient  
1353 for all purposes and have the same effect as if the person so  
1354 officially signing such bonds had remained in office until the  
1355 delivery of the same to the purchaser, or had been in office on  
1356 the date such bonds may bear.

1357 SECTION 51. Section 49-5-97, Mississippi Code of 1972, is  
1358 amended as follows:[JWB50]

1359 49-5-97. The funds which are transferred from the sale of  
1360 bonds under Sections 49-5-86 through 49-5-98 to the special fund  
1361 in the State Treasury known as the "Wildlife Heritage Committee  
1362 Land Purchase Fund" may be withdrawn only in the following manner:  
1363 The funds shall be paid by the State Treasurer upon warrants

1364 issued by the Department of Finance and Administration, which  
1365 warrants shall be issued upon requisition by the chairman of the  
1366 commission pursuant to a resolution adopted by the commission  
1367 authorizing the requisition.

1368 All expenditures ordered by the commission shall be entered  
1369 upon its minutes, and the commission shall submit a full report of  
1370 its work and all the transactions carried on by it and a complete  
1371 statement of all its expenditures at the next regular session of  
1372 the Legislature.

1373 SECTION 52. Section 49-5-98, Mississippi Code of 1972, is  
1374 amended as follows:[CR51]

1375 49-5-98. The Attorney General of the State of Mississippi  
1376 shall represent the commission in issuing, selling and validating  
1377 bonds herein provided for, and the commission may expend any sum  
1378 not exceeding Fifteen Thousand Dollars (\$15,000.00) from the  
1379 proceeds derived from the sale of the bonds authorized hereunder  
1380 to pay the cost of attorney's fees, validating, printing, and cost  
1381 of delivery of bonds authorized under Sections 49-5-86 through  
1382 49-5-98.

1383 SECTION 53. Section 49-5-103, Mississippi Code of 1972, is  
1384 amended as follows:[JWB52]

1385 49-5-103. The Legislature finds and declares all of the  
1386 following:

1387 (a) That it is the policy of the Mississippi Department  
1388 of Wildlife, Fisheries and Parks to manage certain nongame  
1389 wildlife for human enjoyment, for scientific purposes, and to  
1390 insure their perpetuation as members of ecosystems;

1391 (b) That species or subspecies of wildlife indigenous  
1392 to this state which may be found to be endangered within the state  
1393 should be accorded protection in order to maintain and to the  
1394 extent possible enhance their numbers;

1395 (c) That the state should assist in the protection of  
1396 species or subspecies of wildlife which are deemed to be

1397 endangered by prohibiting the taking, possession, transportation,  
1398 exportation, processing, sale or offer for sale or shipment within  
1399 this state of species or subspecies of wildlife listed on the  
1400 United States' Lists of Endangered Fish and Wildlife as set forth  
1401 herein unless such actions will assist in preserving or  
1402 propagating the species or subspecies; and

1403 (d) That funding may be made available to the  
1404 department annually by appropriations from the General Fund or  
1405 from other sources separate and apart from the Fisheries and  
1406 Wildlife Fund for management of nongame and endangered species.

1407 SECTION 54. Section 49-5-105, Mississippi Code of 1972, is  
1408 amended as follows:[JWB53]

1409 49-5-105. The words and phrases when used in Sections  
1410 49-5-101 through 49-5-119 shall, for the purposes of such  
1411 sections, have the meanings respectively ascribed to them in this  
1412 section, except in those instances where the context clearly  
1413 indicates a different meaning.

1414 (a) "Commission" means the Mississippi Commission on  
1415 Wildlife, Fisheries and Parks.

1416 (b) "Director" means the Executive Director of the  
1417 Mississippi Department of Wildlife, Fisheries and Parks.

1418 (c) "Ecosystem" means a system of living organisms and  
1419 their environment, each influencing the existence of the other and  
1420 both necessary for the maintenance of life.

1421 (d) "Endangered species" means any species or  
1422 subspecies of wildlife whose prospects of survival or recruitment  
1423 within the state are in jeopardy or are likely within the  
1424 foreseeable future to become so, due to any of the following  
1425 factors: (1) the destruction, drastic modification, or severe  
1426 curtailment of its habitat, or (2) its over-utilization for  
1427 scientific, commercial or sporting purposes, or (3) the effect on  
1428 it of disease, pollution, or predation, or (4) other natural or  
1429 man-made factors affecting its prospects of survival or

1430 recruitment within the state, or (5) any combination of the  
1431 foregoing factors. The term shall also be deemed to include any  
1432 species or subspecies of fish and wildlife appearing on the United  
1433 States' List of Endangered Native Fish and Wildlife as it appears  
1434 on July 1, 1974, (Part 17 of Title 50 of the Code of Federal  
1435 Regulations, Appendix D) as well as any species or subspecies of  
1436 fish and wildlife appearing on the United States' List of  
1437 Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the  
1438 Code of Federal Regulations, Appendix A), as such list may be  
1439 modified hereafter.

1440 (e) "Management" means the collection and application  
1441 of biological information for the purposes of increasing the  
1442 number of individuals within species and populations of wildlife  
1443 up to the optimum carrying capacity of their habitat and  
1444 maintaining such levels. The term includes the entire range of  
1445 activities that constitute a modern scientific resource program  
1446 including, but not limited to, research, census, law enforcement,  
1447 habitat acquisition and improvement, and education. Also,  
1448 included within the term, when and where appropriate, is the  
1449 periodic or total protection of species or populations as well as  
1450 regulated taking.

1451 (f) "Nongame species" means any wild mammal, bird,  
1452 amphibian, reptile, fish, mollusk, crustacean or other wild animal  
1453 not otherwise legally classified by statute or regulation of this  
1454 state.

1455 (g) "Optimum carrying capacity" means that point at  
1456 which a given habitat can support healthy populations of wildlife  
1457 species, having regard to the total ecosystem, without diminishing  
1458 the ability of the habitat to continue that function.

1459 (h) "Person" means any individual, firm, corporation,  
1460 association or partnership.

1461 (i) "Take" means to harass, hunt, capture, or kill or  
1462 attempt to harass, hunt, capture, or kill wildlife.

1463 (j) "Wildlife" means any wild mammal, bird, reptile,  
1464 amphibian, fish, mollusk, crustacean or other wild animal or any  
1465 part, product, egg or offspring or the dead body or parts thereof.

1466 SECTION 55. Section 49-5-145, Mississippi Code of 1972, is  
1467 amended as follows:[JWB54]

1468 49-5-145. (1) The Legislature states that the purpose of  
1469 Sections 49-5-141 through 49-5-157 is to establish a registration  
1470 procedure by which owners of natural areas may voluntarily agree  
1471 to manage and protect the areas according to rules set forth by  
1472 the Mississippi Commission on Wildlife, Fisheries and Parks.

1473 (2) The Legislature states that the purpose of Sections  
1474 49-5-141 through 49-5-157 is also to establish a dedication  
1475 procedure by which owners of natural areas may voluntarily agree  
1476 to convey any or all of their right, title and interest in the  
1477 property to the State of Mississippi to be managed and protected  
1478 by an appropriate agency designated by the Mississippi Commission  
1479 on Wildlife, Fisheries and Parks for the people of Mississippi.

1480 SECTION 56. Section 49-5-147, Mississippi Code of 1972, is  
1481 amended as follows:

1482 49-5-147. For the purposes of Sections 49-5-141 through  
1483 49-5-157, the following words shall have the meaning ascribed  
1484 herein unless the context shall otherwise require:

1485 (a) "Commission" means the Mississippi Commission on  
1486 Wildlife, Fisheries and Parks.

1487 (b) "Committee" or "Wildlife Heritage Committee" means  
1488 the Mississippi Commission on Wildlife, Fisheries and Parks.

1489 (c) "Dedicate" means the transfer to the Mississippi  
1490 Commission on Wildlife, Fisheries and Parks of any estate,  
1491 interest or right in any natural area to be held for the people of  
1492 Mississippi in a manner provided in Section 49-5-155.

1493 (d) "Natural area" means an area of land, water or air,  
1494 or combination thereof, which contains an element of the state's  
1495 natural diversity, including, but not limited to, individual plant

1496 or animal life, natural geological areas, habitats of endangered  
1497 or threatened species, ecosystems or any other area of unique  
1498 ecological, scientific or educational interest.

1499 (e) "Natural area preserve" means a natural area which  
1500 is voluntarily dedicated.

1501 (f) "Register" means the act of agreement between the  
1502 owner of a natural area and the Mississippi Commission on  
1503 Wildlife, Fisheries and Parks for designation of the natural area  
1504 and for its placement on the register of natural areas by  
1505 voluntary agreement between the owner of the natural area and the  
1506 commission.

1507 (g) "Register of natural areas" means a listing of  
1508 natural areas which are being managed by the owner of the natural  
1509 area according to the rules and regulations of the Mississippi  
1510 Commission on Wildlife, Fisheries and Parks.

1511 SECTION 57. Section 49-5-149, Mississippi Code of 1972, is  
1512 amended as follows:[CR55]

1513 49-5-149. The commission shall have the following powers and  
1514 duties:

1515 (a) To utilize inventory data compiled by the  
1516 Mississippi Wildlife Heritage Program concerning the natural areas  
1517 of the state;

1518 (b) To accept on behalf of the people of Mississippi  
1519 any right, title or interest to any natural area;

1520 (c) To establish and maintain a register of natural  
1521 areas;

1522 (d) To select natural areas for placement on the  
1523 register of natural areas or for dedication as a natural area  
1524 preserve, or both;

1525 (e) To provide for the management of natural area  
1526 preserves by designating an appropriate agency to manage the  
1527 preserve in accordance with the provisions set forth in the  
1528 articles of dedication which establish the natural area as a

1529 natural area preserve;

1530 (f) To cooperate with any agency of the United States,  
1531 the State of Mississippi and any other state, any political  
1532 subdivision of this state and with private persons or  
1533 organizations to implement the provisions of Sections 49-5-141  
1534 through 49-5-157;

1535 (g) To discharge any other duty or action necessary to  
1536 implement the provisions of Sections 49-5-141 through 49-5-157.

1537 SECTION 58. Section 49-5-151, Mississippi Code of 1972, is  
1538 amended as follows:[CR56]

1539 49-5-151. The commission shall publish and revise at least  
1540 annually a register of natural areas using the inventory of  
1541 natural areas compiled by the Mississippi Wildlife Heritage  
1542 Program.

1543 SECTION 59. Section 49-5-153, Mississippi Code of 1972, is  
1544 amended as follows:[CR57]

1545 49-5-153. (1) The owner of any natural area on the registry  
1546 may, if the commission so agrees, register the natural area by  
1547 executing a voluntary agreement with the commission for the owner  
1548 to manage and protect the natural area according to the rules and  
1549 regulations promulgated by the commission and to give the  
1550 commission first option to purchase the natural area. If the  
1551 owner agrees to register the area, he shall be given a certificate  
1552 of registration and shall be committed to manage the area  
1553 according to the terms of the agreement with the commission. The  
1554 agreement may be terminated by either party after thirty (30) days  
1555 written notice. The owner, upon termination, shall surrender the  
1556 certificate; provided, however, the first option to purchase shall  
1557 remain with the commission unless the commission shall relinquish  
1558 the option in writing.

1559 (2) Any property acquired by the commission or any other  
1560 agency of the state or political subdivision thereof pursuant to  
1561 any other authority in law may be registered according to \* \* \*

1562 this section.

1563 SECTION 60. Section 49-5-155, Mississippi Code of 1972, is  
1564 amended as follows:[CR58]

1565 49-5-155. (1) The owner of any natural area may dedicate  
1566 that area as a natural area preserve by executing with the  
1567 commission articles of dedication. The articles shall transfer  
1568 such portion of the owner's estate as agreed upon by the owner and  
1569 the commission to the commission for the people of Mississippi.

1570 (2) The commission may acquire articles of dedication for  
1571 consideration or by donation, devise or bequest. The articles of  
1572 dedication shall be recorded in the office of the chancery clerk  
1573 of the county in which any or all of the natural area is located  
1574 before the area shall become a natural area preserve.

1575 (3) The commission may dedicate any property owned by the  
1576 commission as natural area preserve by filing and recording  
1577 articles of dedication in the office of the chancery clerk of the  
1578 county in which any or all of the area is located.

1579 (4) The articles of dedication shall contain:

1580 (a) Provisions for the management, custody and use of  
1581 the natural area preserve;

1582 (b) Provisions which define the rights and privileges  
1583 of the owner and the committee or the managing agency; and

1584 (c) Such other provisions as the owner or commission  
1585 shall deem necessary to discharge the provisions of Sections  
1586 49-5-141 through 49-5-157 or to complete the transfer.

1587 (5) The commission shall agree to no articles of dedication  
1588 which do not provide for the protection, preservation and  
1589 management of the natural area in a manner consistent with the  
1590 intent and purposes of Sections 49-5-141 through 49-5-157.

1591 (6) Any interest in real property owned by the commission in  
1592 a natural area preserve shall be exempt from all ad valorem  
1593 taxation levied by the State of Mississippi or any county or  
1594 municipality or other political subdivision of this state. Any

1595 person who shall convey any interest in real property to the  
1596 commission for the purposes set forth in Sections 49-5-141 through  
1597 49-5-157 shall be entitled to have the assessment of such property  
1598 reduced by the amount of the value of the interest conveyed to the  
1599 commission. The authorities responsible for determining and  
1600 making the assessment shall also determine the value of the  
1601 interest conveyed to the commission. This reduction in the  
1602 assessment of such property shall terminate when the interest  
1603 conveyed to the commission terminates.

1604 (7) The commission shall be the agency of the State of  
1605 Mississippi primarily responsible for acquisition of natural area  
1606 preserves, but no provision of Sections 49-5-141 through 49-5-157  
1607 shall be construed to limit the commission's authority to acquire  
1608 other property. Any property acquired by the commission or any  
1609 other agency of the state or political subdivision thereof  
1610 pursuant to any other authority in law may be dedicated according  
1611 to \* \* \* this section.

1612 (8) No provisions of Sections 49-5-141 through 49-5-157  
1613 shall be construed to limit the authority of any other agency to  
1614 acquire and dedicate natural areas according to the provisions of  
1615 Sections 49-5-141 through 49-5-157.

1616 SECTION 61. Section 49-5-157, Mississippi Code of 1972, is  
1617 amended as follows:[CR59]

1618 49-5-157. (1) A natural area preserve is held in trust by  
1619 the State of Mississippi for present and future generations and  
1620 shall be managed and protected according to the rules and  
1621 regulations set forth by the commission. A natural area preserve  
1622 is hereby declared to be at the highest, best and most important  
1623 use for the public.

1624 (2) The commission shall inspect or provide for the  
1625 inspection of at least annually, each natural area preserve to  
1626 insure that the terms of the articles of dedication are being  
1627 respected.

1628 SECTION 62. Section 49-7-16, Mississippi Code of 1972, is  
1629 amended as follows:[JWB60]

1630 49-7-16. (1) Any person, whether a resident or nonresident  
1631 of this state, who is a fur dealer, or who regularly buys  
1632 fur-bearing animals from trappers or hunters, shall be required to  
1633 obtain a license under this section. Application for such license  
1634 shall be made to any of the officials authorized to issue licenses  
1635 under Chapter 7 of Title 49, Mississippi Code of 1972. The  
1636 license fee shall be Fifty Dollars (\$50.00) for residents,  
1637 together with the fee provided in Section 49-7-17 \* \* \*. The  
1638 license shall be good for one (1) year from the date of issuance  
1639 unless suspended or revoked earlier, and it is renewable upon  
1640 payment of the fee. The license shall be carried on the person of  
1641 the holder whenever he is engaged in the business of fur dealer or  
1642 engaged in buying fur-bearing animals.

1643 (2) Dealers or those persons who regularly buy fur-bearing  
1644 animals from trappers or hunters are authorized to possess  
1645 inventories of dried or stretched furs and skins at any time.  
1646 However, dealers or other fur buyers are authorized to buy,  
1647 transport, sell or offer for sale inventories of fur for only  
1648 ninety (90) days beyond the close of the trapping season set by  
1649 the commission \* \* \*. The commission shall, in its discretion,  
1650 extend the ninety-day period for buying, transporting, selling or  
1651 offering for sale inventories of fur.

1652 (3) The commission may require tagging of furs to account  
1653 for harvest of a species in a specific location. Dealers shall be  
1654 required to maintain accurate records of purchases. Such dealer  
1655 records and fur houses shall be open to conservation officers on  
1656 request for inspection without warrant.

1657 (4) Persons acquiring fur for the sole purpose of tanning,  
1658 dressing, manufacturing or otherwise preparing finished fur  
1659 products are authorized to buy, sell, possess and transport  
1660 inventories of fur and finished fur products at any time for these

1661 and related purposes.

1662 SECTION 63. Section 49-7-23, Mississippi Code of 1972, is  
1663 amended as follows:[CR61]

1664 49-7-23. The executive director \* \* \* may designate  
1665 constables as deputy conservation officers, and constables so  
1666 designated may be permitted to sell hunting and fishing licenses  
1667 and may retain the fee provided in Section 49-7-17 for issuing  
1668 each such license.

1669 SECTION 64. Section 49-7-25, Mississippi Code of 1972, is  
1670 amended as follows:[CR62]

1671 49-7-25. Each officer authorized to issue licenses shall  
1672 keep in a book to be supplied to him by the commission, a correct  
1673 and complete list, in numerical order, of all licenses, resident  
1674 or nonresident, issued by him. He shall enter \* \* \* at the close  
1675 of each week the name and residence of each individual to whom a  
1676 license was issued during that week, and shall on or before the  
1677 tenth day of each month, forward to the executive director \* \* \*,  
1678 on blanks furnished to him by the executive director, a complete  
1679 list of all licenses so granted, with the name and address of each  
1680 licensee, and shall pay over to the executive director all sums  
1681 collected by him for licenses during the preceding month, and at  
1682 the end of the license year shall render a final report and return  
1683 to the executive director all license stubs and all unused or  
1684 mutilated license blanks. Thereupon the executive director shall  
1685 cause the account of the officer to be audited and a final  
1686 statement furnished such officer on the condition of the account.

1687 SECTION 65. Section 49-7-32, Mississippi Code of 1972, is  
1688 amended as follows:[JWB63]

1689 49-7-32. The \* \* \* commission may establish closed seasons  
1690 on the running, hunting, chasing or pursuing with dogs of raccoon,  
1691 fox or other wild animals or wild birds during turkey season in  
1692 designated areas.

1693 SECTION 66. Section 49-7-42, Mississippi Code of 1972, is

1694 amended as follows:[JWB64]

1695 49-7-42. It is lawful at all times for any person, upon the  
1696 issuance of a permit by the \* \* \* commission, to train bird dogs  
1697 through the use of release pens and tamed and identified quail.  
1698 The tamed quail shall be identified through the use of tags or  
1699 dye. Permits shall be issued upon approval of the \* \* \*  
1700 commission and upon payment of the sum of Three Dollars (\$3.00)  
1701 each. The permits shall be displayed openly upon each release  
1702 pen. A permit shall be valid for a period of one (1) year from  
1703 the date of issuance. The training of bird dogs and the taking of  
1704 birds \* \* \* shall be conducted under the rules and  
1705 regulations \* \* \* of the \* \* \* commission. The \* \* \* tamed and  
1706 identified quail may be recaptured through the use of release pens  
1707 when the pens have been properly identified by a permit attached  
1708 thereto.

1709 SECTION 67. Section 49-7-43, Mississippi Code of 1972, is  
1710 amended as follows:[CR65]

1711 49-7-43. The executive director \* \* \* shall have authority  
1712 to close all hunting and fishing within the lands contracted for  
1713 with the federal government pursuant to the provisions of Section  
1714 49-5-23 for such period of time as may, in the opinion of the  
1715 executive director, be necessary; shall have authority from time  
1716 to time to prescribe the season for hunting or fishing therein, to  
1717 fix the amount of fees required for special hunting licenses and  
1718 to issue such licenses, to prescribe the number of animals and  
1719 game, fish and birds that shall be taken therefrom and the size  
1720 thereof, and to prescribe the conditions under which the same may  
1721 be taken.

1722 Any person violating any of the rules so promulgated by the  
1723 executive director \* \* \*, or who shall hunt or fish upon such  
1724 lands at any time, other than those times specified by the  
1725 executive director \* \* \*, shall, upon conviction therefor be fined  
1726 not less than Twenty-five Dollars (\$25.00) nor more than One

1727 Hundred Dollars (\$100.00), or imprisoned for not less than ten  
1728 (10) days nor more than thirty (30) days for each and every  
1729 offense.

1730 SECTION 68. Section 49-7-47, Mississippi Code of 1972, is  
1731 amended as follows:[JWB66]

1732 49-7-47. (1) The commission \* \* \* may control, regulate and  
1733 manage the taking of all alligators and alligator turtles.

1734 (2) \* \* \* Residents and nonresidents shall be required to  
1735 purchase a combination hunting and fishing license to hunt, kill  
1736 or catch any alligator or alligator turtle for sporting purposes.

1737 (3) \* \* \* Residents and nonresidents shall be required to  
1738 obtain a special permit to hunt, kill, catch or possess any  
1739 alligator or alligator turtle for commercial purposes. The  
1740 commission \* \* \* may establish a reasonable fee for an annual  
1741 special sporting permit, not to exceed Two Hundred Dollars  
1742 (\$200.00), and may prescribe regulations governing commercial  
1743 trade in alligators and alligator turtles. Any reasonable fee  
1744 established for an annual special commercial permit shall not  
1745 exceed Five Hundred Dollars (\$500.00). Such permit shall be good  
1746 from the date of its issuance to June 30 following its date.

1747 (4) Any person violating this section is guilty, upon  
1748 conviction, of a Class I offense and is punishable as provided in  
1749 Section 49-7-141.

1750 SECTION 69. Section 49-7-91, Mississippi Code of 1972, is  
1751 amended as follows:[JWB67]

1752 49-7-91. (1) It is unlawful for any person, firm, or  
1753 corporation to fish commercially at any time in Muddy Bayou, in  
1754 Warren County, Mississippi.

1755 (2) The department \* \* \* may enforce \* \* \* this section  
1756 and \* \* \* seize and confiscate all commercial nets and seines used  
1757 in Muddy Bayou, in Warren County, Mississippi, or on any part of  
1758 the bayou, either along the length or at its two (2) openings in  
1759 and to Eagle Lake and Steele Bayou.

1760 (3) Any person \* \* \* violating \* \* \* this section is \* \* \*  
1761 guilty of a misdemeanor and shall be fined not less than Ten  
1762 Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or  
1763 be imprisoned not more than three (3) months, or both; and in  
1764 addition \* \* \* the department shall seize and confiscate all  
1765 commercial nets and seines used for such purpose, and dispose of  
1766 the same at private sale and place the proceeds \* \* \* to the  
1767 credit of the State Game and Fish Fund.

1768 SECTION 70. Section 49-7-101, Mississippi Code of 1972, is  
1769 amended as follows:[JWB68]

1770 49-7-101. (1) Unless a different or other penalty or  
1771 punishment is specially prescribed, a person who violates any of  
1772 the provisions of this chapter or any law or regulation for the  
1773 protection of wild animals, birds, or fish, or who fails to  
1774 perform any duty imposed by such laws or regulations, or who  
1775 violates or fails to comply with any lawful order, rule or  
1776 regulation adopted by the commission is guilty of a Class III  
1777 violation and, upon conviction thereof, shall be punished by a  
1778 fine of not less than Twenty-five Dollars (\$25.00) nor more than  
1779 One Hundred Dollars (\$100.00). In addition thereto, such person  
1780 is liable, in the discretion of the court, to an additional  
1781 penalty of Twenty-five Dollars (\$25.00) for each animal, bird, or  
1782 fish, or part thereof, or each nest or egg of any bird taken,  
1783 possessed, or transported in violation of such law or regulation.

1784 (2) Any person unlawfully killing a doe deer \* \* \* is guilty  
1785 of a Class II violation and shall be punished as provided in  
1786 Section 49-7-143.

1787 (3) Any person killing a wild turkey hen, except when  
1788 permitted by the commission \* \* \* is guilty of a Class II  
1789 violation and shall be punished as provided in Section 49-7-143.

1790 (4) Any person killing any turkey out of season, and any  
1791 person baiting turkeys \* \* \* is guilty of a Class II violation and  
1792 shall be punished as provided in Section 49-7-143.

1793           (5) Any person unlawfully trapping quail or any other game  
1794 bird within this state is \* \* \* guilty of a Class II violation  
1795 and shall be punished as provided in Section 49-7-143.

1796           (6) Any person transporting, shipping, or carrying quail or  
1797 any other game bird within, or from within to a point without this  
1798 state, without first having secured permission from the executive  
1799 director \* \* \* to so do, shall, except as otherwise provided by  
1800 Section 49-1-1 et seq., be fined not less than One Hundred Dollars  
1801 (\$100.00).

1802           SECTION 71. Section 49-7-133, Mississippi Code of 1972, is  
1803 amended as follows:[JWB69]

1804           49-7-133. The \* \* \* commission may negotiate with the  
1805 Louisiana Conservation Commission and the Arkansas Game and Fish  
1806 Commission to effectuate a reciprocity agreement with one or both  
1807 of these commissions providing that the hunting and fishing  
1808 licenses and the rules and regulations governing hunting and  
1809 fishing shall be acceptable and recognized by the game and fish  
1810 commissions or the conservation commission of each of the states  
1811 participating in the reciprocity agreement, when hunters or  
1812 fishermen hold a current license issued by the state game and fish  
1813 commissions or the conservation commission of the state in which  
1814 he is domiciled, when fishing in the Mississippi River or in  
1815 bodies of water between the Mississippi River and the levee  
1816 nearest the river, in places where there is a levee; and in the  
1817 Mississippi River or in lakes formed by the Mississippi River, or  
1818 in old Mississippi River runs in places where there is no levee;  
1819 and when hunting waterfowl and other migratory species in the  
1820 Mississippi River, or between the Mississippi River and the levee  
1821 nearest the Mississippi River, or in the Mississippi River or in  
1822 lakes formed by the Mississippi River, or in old Mississippi River  
1823 runs in places where there is no levee.

1824           For all counties lying wholly or partially within the  
1825 Mississippi levee district, and bordering upon the Mississippi

1826 River, and having a population of more than five thousand (5,000)  
1827 according to the 1950 census, the commission is authorized to  
1828 effectuate a reciprocity agreement, with the Game and Fish  
1829 Commissions of Arkansas and Louisiana, and/or with the Game and  
1830 Fish Commissions of the Counties of Desha and Chicot in the State  
1831 of Arkansas, which shall permit hunting waterfowl and other  
1832 migratory species, deer, squirrels, turkeys, quail and rabbits in  
1833 the Mississippi River, or between the Mississippi River and the  
1834 levee nearest the Mississippi River, or in the Mississippi River  
1835 or in lakes formed by the Mississippi River, or in old Mississippi  
1836 River runs and in places where there is no levee.

1837 SECTION 72. Section 49-7-135, Mississippi Code of 1972, is  
1838 amended as follows:[JWB70]

1839 49-7-135. The executive director \* \* \* may proceed  
1840 immediately to negotiate with the Game and Fish Commission of the  
1841 State of Louisiana to effectuate a reciprocity agreement with such  
1842 commission providing that the current hunting and fishing licenses  
1843 issued to hunters or fishermen of the respective states shall be  
1844 accepted and recognized by the game and fish commissions of each  
1845 of the states for the purpose of hunting for migratory water fowl  
1846 or fishing by the hunters or fishermen of either state in the  
1847 Pearl River between top bank and top bank along the course where  
1848 the Pearl River forms a boundary line between the State of  
1849 Louisiana and the State of Mississippi.

1850 SECTION 73. Section 49-7-137, Mississippi Code of 1972, is  
1851 amended as follows:[JWB71]

1852 49-7-137. (1) The Department of Finance and Administration  
1853 may \* \* \* lease for hunting, fishing and conservation purposes to  
1854 the Quitman County Conservation League, Incorporated, a nonprofit  
1855 domestic corporation, all wood lands owned by the State of  
1856 Mississippi in Quitman County, Mississippi, and being a part of  
1857 Camp "B" at the O'Keefe Farm of the Mississippi State  
1858 Penitentiary.

1859 (2) Any such lease shall be for a period and term of not  
1860 more than one (1) year, but the same may continue from year to  
1861 year until terminated by one (1) of the parties thereto.

1862 (3) Any such lease shall be upon such terms and conditions  
1863 as may be imposed by the Department of Finance and Administration  
1864 and the Board of Commissioners of the Mississippi State  
1865 Penitentiary and the same shall have no force and effect until  
1866 approved in writing by said board of commissioners and may be  
1867 terminated at the pleasure of the board of commissioners, or the  
1868 Department of Finance and Administration.

1869 (4) Such lease shall provide that the use of such wood lands  
1870 by the Quitman County Conservation League, Incorporated, shall be  
1871 under the supervision of the \* \* \* commission \* \* \*. Any lease on  
1872 this land shall provide that any citizen of this state shall be  
1873 entitled to hunt and fish on these lands providing they shall  
1874 comply with all laws and regulations pertaining to fishing and  
1875 hunting and provided such person meets the membership  
1876 qualifications and pays the membership fee in the amount of Three  
1877 Dollars (\$3.00) as set by the Quitman County Conservation League.

1878 SECTION 74. Section 49-7-169, Mississippi Code of 1972, is  
1879 amended as follows:[JWB72]

1880 49-7-169. The \* \* \* commission may enter into reciprocal  
1881 agreements with other states having a state migratory waterfowl  
1882 stamp.

1883 SECTION 75. Section 49-7-201, Mississippi Code of 1972, is  
1884 amended as follows:

1885 49-7-201. (1) There is hereby established a beaver control  
1886 program which shall be developed by the Beaver Control Advisory  
1887 Board created in Section 49-7-203 and administered by the  
1888 Mississippi Commission on Wildlife, Fisheries and Parks with the  
1889 advice of the board or administered by a federal agency pursuant  
1890 to an agreement with the commission for such purpose. The program  
1891 shall be limited to the control or eradication of beavers only on

1892 private lands or public lands, excluding federally-owned lands but  
1893 including lands whereupon easements are granted to a federal  
1894 entity. The commission may employ such personnel as is necessary  
1895 to implement its duties to administer the program and set the  
1896 salary of such personnel subject to State Personnel Board  
1897 guidelines.

1898 (2) Any state, local or private funds available to the  
1899 commission to fund the program shall be used to match federal  
1900 funds available for such purpose. The commission may execute such  
1901 agreements with any agency of the federal government as are  
1902 necessary to obtain federal matching funds to finance the beaver  
1903 control program.

1904 (3) Nonfederal funds to help finance the program may be  
1905 obtained by the commission from the following sources:

- 1906 (a) Appropriations by the Legislature;
- 1907 (b) Contributions from participating counties;
- 1908 (c) Charges on participating landowners; and/or
- 1909 (d) Contributions from any other sources for such  
1910 purpose.

1911 (4) (a) Any county in the state desiring to participate in  
1912 the program during its fiscal year shall contribute Two Thousand  
1913 Dollars (\$2,000.00) for such purpose from any funds available in  
1914 its general fund. Such county shall commit such funds to the  
1915 program for the ensuing fiscal year by adopting and submitting a  
1916 resolution to that effect on or before August 1 to the  
1917 commission \* \* \*. The commission shall establish the due date for  
1918 the payment of contributions by counties.

1919 (b) The sum of county contributions may be matched by  
1920 nonfederal funds available to the state for the beaver control  
1921 program.

1922 (5) Participating landowner means any person, corporation or  
1923 association owning land in this state and taking part in the  
1924 beaver control program.

1925 SECTION 76. Section 49-7-203, Mississippi Code of 1972, is  
1926 amended as follows:

1927 49-7-203. (1) There is hereby created the Beaver Control  
1928 Advisory Board which shall be composed of the administrative heads  
1929 of the Mississippi Department of Wildlife, Fisheries and Parks,  
1930 State Forestry Commission, Department of Agriculture and Commerce,  
1931 Mississippi Department of Transportation and Mississippi State  
1932 Cooperative Extension Services.

1933 (2) The Executive Director of the Mississippi Department of  
1934 Wildlife, Fisheries and Parks shall be the chairman of the board  
1935 and shall preside over meetings.

1936 (3) The members of the board shall serve without  
1937 compensation but shall be entitled to reimbursement for all actual  
1938 and necessary expenses incurred in the discharge of their duties,  
1939 including mileage as authorized by law.

1940 (4) The board shall have the following duties and  
1941 responsibilities:

1942 (a) To adopt rules and regulations governing times and  
1943 places for meetings and governing the manner of conducting its  
1944 business;

1945 (b) To develop a beaver control program to be  
1946 administered by the Mississippi Department of Wildlife, Fisheries  
1947 and Parks or by a federal agency pursuant to an agreement with the  
1948 commission for such purpose;

1949 (c) To designate the areas of the state having the  
1950 greatest need for beaver control or eradication and establish a  
1951 list of priority areas on an annual basis;

1952 (d) To recommend to the Mississippi Commission on  
1953 Wildlife, Fisheries and Parks such fees as may be necessary to  
1954 charge participating landowners; and

1955 (e) To function in an advisory capacity to the  
1956 Mississippi Commission on Wildlife, Fisheries and Parks regarding  
1957 the implementation of the beaver control program.

1958 SECTION 77. Section 49-7-251, Mississippi Code of 1972, is  
1959 amended as follows:[JWB73]

1960 49-7-251. (1) Except as otherwise provided in Section  
1961 49-7-257, when any property is seized pursuant to Section  
1962 49-7-103, 49-15-21(2) or 59-21-33, Mississippi Code of 1972,  
1963 proceedings under this section shall be instituted promptly.  
1964 Provided, however, that the seizing law enforcement agency may, in  
1965 the sound exercise of discretion, decide not to bring a forfeiture  
1966 action if the interests of bona fide lienholders or secured  
1967 creditors equal or exceed the value of the seized property, or if  
1968 other factors would produce a negative economic result. Provided  
1969 further, that no property shall be subject to forfeiture which has  
1970 been stolen from its owner if the owner can be identified and  
1971 prosecution for the theft has been initiated.

1972 (2) A petition for forfeiture shall be filed promptly in the  
1973 name of the State of Mississippi, the county or the municipality  
1974 and may be filed in the county in which the seizure is made, the  
1975 county in which the criminal prosecution is brought or the county  
1976 in which the owner of the seized property is found. Forfeiture  
1977 proceedings may be brought in the circuit court or the county  
1978 court if a county court exists in the county and the value of the  
1979 seized property is within the jurisdictional limits of the county  
1980 court as set forth in Section 9-9-21, Mississippi Code of 1972. A  
1981 copy of such petition shall be served upon the following persons  
1982 by service of process in the same manner as in civil cases:

1983 (a) The owner of the property, if address is known;

1984 (b) Any secured party who has registered his lien or  
1985 filed a financing statement as provided by law, if the identity of  
1986 such secured party can be ascertained by the Mississippi  
1987 Department of Wildlife, Fisheries and Parks or the local law  
1988 enforcement agency by making a good faith effort to ascertain the  
1989 identity of such secured party as described in subsections (3),  
1990 (4), (5), (6) and (7) of this section;

1991 (c) Any other bona fide lienholder or secured party or  
1992 other person holding an interest in the property in the nature of  
1993 a security interest of whom the Mississippi Department of  
1994 Wildlife, Fisheries and Parks or the local law enforcement agency  
1995 has actual knowledge; and

1996 (d) Any person in possession of property subject to  
1997 forfeiture at the time that it was seized.

1998 (3) If the property is a motor vehicle susceptible of  
1999 titling under the Mississippi Motor Vehicle Title Law and if there  
2000 is any reasonable cause to believe that the vehicle has been  
2001 titled, the Mississippi Department of Wildlife, Fisheries and  
2002 Parks or the local law enforcement agency shall make inquiry of  
2003 the State Tax Commission as to what the records of the State Tax  
2004 Commission show as to who is the record owner of the vehicle and  
2005 who, if anyone, holds any lien or security interest which affects  
2006 the vehicle.

2007 (4) If the property is a motor vehicle and is not titled in  
2008 the State of Mississippi, then the Mississippi Department of  
2009 Wildlife, Fisheries and Parks or the local law enforcement agency  
2010 shall attempt to ascertain the name and address of the person in  
2011 whose name the vehicle is licensed, and if the vehicle is licensed  
2012 in a state which has in effect a certificate of title law, the  
2013 Mississippi Department of Wildlife, Fisheries and Parks or the  
2014 local law enforcement agency shall make inquiry of the appropriate  
2015 agency of that state as to what the records of the agency show as  
2016 to who is the record owner of the vehicle and who, if anyone,  
2017 holds any lien, security interest or other instrument in the  
2018 nature of a security device which affects the vehicle.

2019 (5) If the property is of a nature that a financing  
2020 statement is required by the laws of this state to be filed to  
2021 perfect a security interest affecting the property and if there is  
2022 any reasonable cause to believe that a financing statement  
2023 covering the security interest has been filed under the laws of

2024 this state, the Mississippi Department of Wildlife, Fisheries and  
2025 Parks or the local law enforcement agency shall make inquiry of  
2026 the appropriate office designated in Section 75-9-401, Mississippi  
2027 Code of 1972, as to what the records show as to who is the record  
2028 owner of the property and who, if anyone, has filed a financing  
2029 statement affecting the property.

2030 (6) If the property is an aircraft or part thereof and if  
2031 there is any reasonable cause to believe that an instrument in the  
2032 nature of a security device affects the property, then the  
2033 Mississippi Department of Wildlife, Fisheries and Parks or the  
2034 local law enforcement agency shall make inquiry of the Executive  
2035 Director of the Department of Economic and Community Development  
2036 as to what the records of the Federal Aviation Administration show  
2037 as to who is the record owner of the property and who, if anyone,  
2038 holds an instrument in the nature of a security device which  
2039 affects the property.

2040 (7) In the case of all other personal property subject to  
2041 forfeiture, if there is any reasonable cause to believe that an  
2042 instrument in the nature of a security device affects the  
2043 property, then the Mississippi Department of Wildlife, Fisheries  
2044 and Parks or the local law enforcement agency shall make a good  
2045 faith inquiry to identify the holder of any such instrument.

2046 (8) In the event the answer to an inquiry states that the  
2047 record owner of the property is any person other than the person  
2048 who was in possession of it when it was seized, or states that any  
2049 person holds any lien, encumbrance, security interest, other  
2050 interest in the nature of a security interest, mortgage or deed of  
2051 trust which affects the property, the Mississippi Department of  
2052 Wildlife, Fisheries and Parks or the local law enforcement agency  
2053 shall cause any record owner and also any lienholder, secured  
2054 party, other person who holds an interest in the property in the  
2055 nature of a security interest which affects the property to be  
2056 named in the petition of forfeiture and to be served with process

2057 in the same manner as in civil cases.

2058 (9) If the owner of the property cannot be found and served  
2059 with a copy of the petition of forfeiture, or if no person was in  
2060 possession of the property subject to forfeiture at the time that  
2061 it was seized and the owner of the property is unknown, the  
2062 Mississippi Department of Wildlife, Fisheries and Parks or the  
2063 local law enforcement agency shall file with the clerk of the  
2064 court in which the proceeding is pending an affidavit to such  
2065 effect, whereupon the clerk of the court shall publish notice of  
2066 the hearing addressed to "the Unknown Owner of \_\_\_\_\_", filling in  
2067 the blank space with a reasonably detailed description of the  
2068 property subject to forfeiture. Service by publication shall  
2069 contain the other requisites prescribed in Section 11-33-41,  
2070 Mississippi Code of 1972, and shall be served as provided in  
2071 Section 11-33-37, Mississippi Code of 1972, for publication of  
2072 notice for attachments at law.

2073 (10) No proceedings instituted pursuant to the provisions of  
2074 this section shall proceed to hearing unless the judge conducting  
2075 the hearing is satisfied that this section has been complied with.

2076 Any answer received from an inquiry required by subsections (3)  
2077 through (7) of this section shall be introduced into evidence at  
2078 the hearing.

2079 SECTION 78. Section 49-7-253, Mississippi Code of 1972, is  
2080 amended as follows:

2081 49-7-253. (1) Except as otherwise provided in Section  
2082 49-7-257, an owner of property that has been seized pursuant to  
2083 Section 49-7-103, 49-15-21(2) or 59-21-33, Mississippi Code of  
2084 1972, shall file an answer within thirty (30) days after the  
2085 completion of service of process. If an answer is not filed, the  
2086 court shall hear evidence that the property is subject to  
2087 forfeiture and forfeit the property to the Mississippi Department  
2088 of Wildlife, Fisheries and Parks or the local law enforcement  
2089 agency. If an answer is filed, a time for hearing on forfeiture

2090 shall be set within thirty (30) days of filing the answer or at  
2091 the succeeding term of court, if court would not be in progress  
2092 within thirty (30) days after filing the answer. Provided,  
2093 however, that upon request by the Mississippi Department of  
2094 Wildlife, Fisheries and Parks, the local law enforcement agency or  
2095 the owner of the property, the court may postpone said forfeiture  
2096 hearing to a date past the time any criminal action is pending  
2097 against said owner.

2098 (2) If the owner of the property has filed an answer denying  
2099 that the property is subject to forfeiture, then the burden is on  
2100 the petitioner to prove that the property is subject to  
2101 forfeiture. However, if an answer has not been filed by the owner  
2102 of the property, the petition for forfeiture may be introduced  
2103 into evidence and is prima facie evidence that the property is  
2104 subject to forfeiture. The standard of proof placed upon the  
2105 petitioner in regard to property forfeited under the provisions of  
2106 this article shall be by a preponderance of the evidence.

2107 (3) At the hearing any claimant of any right, title or  
2108 interest in the property may prove his lien, encumbrance, security  
2109 interest or other interest in the nature of a security interest to  
2110 be bona fide and created without knowledge or consent that the  
2111 property was to be used so as to cause the property to be subject  
2112 to forfeiture.

2113 (4) If it is found that the property is subject to  
2114 forfeiture, then the judge shall forfeit the property to the  
2115 Mississippi Department of Wildlife, Fisheries and Parks or the  
2116 local law enforcement agency. However, if proof at the hearing  
2117 discloses that the interest of any bona fide lienholder, secured  
2118 party, other person holding an interest in the property in the  
2119 nature of a security interest is greater than or equal to the  
2120 present value of the property, the court shall order the property  
2121 released to him. If such interest is less than the present value  
2122 of the property and if the proof shows that the property is

2123 subject to forfeiture, the court shall order the property  
2124 forfeited to the Mississippi Department of Wildlife, Fisheries and  
2125 Parks or the local law enforcement agency.

2126 SECTION 79. Section 49-7-255, Mississippi Code of 1972, is  
2127 amended as follows:[JWB74]

2128 49-7-255. (1) All other property which is forfeited under  
2129 Sections 49-7-251 through 49-7-257, and except as provided in  
2130 subsections (2), (5) and (6) of this section, shall be liquidated  
2131 and, after deduction of court costs and the expenses of  
2132 liquidation, the proceeds shall be divided and deposited as  
2133 follows:

2134 (a) In the event only one (1) law enforcement agency  
2135 participates in the underlying criminal case out of which the  
2136 forfeiture arises, fifty percent (50%) of the proceeds shall be  
2137 forwarded to the State Treasurer and deposited in the General Fund  
2138 of the state and fifty percent (50%) of the proceeds shall be  
2139 deposited and credited to the budget of the participating law  
2140 enforcement agency.

2141 (b) In the event more than one (1) law enforcement  
2142 agency participates in the underlying criminal case out of which  
2143 the forfeiture arises, fifty percent (50%) of the proceeds shall  
2144 be deposited and credited to the budget of the law enforcement  
2145 agency whose officers initiated the criminal case and fifty  
2146 percent (50%) shall be divided equitably between or among the  
2147 other participating law enforcement agencies, and shall be  
2148 deposited and credited to the budgets of the participating law  
2149 enforcement agencies. In the event that the other participating  
2150 law enforcement agencies cannot agree on the division of their  
2151 fifty percent (50%), a petition shall be filed by any one (1) of  
2152 them in the court in which the civil forfeiture case is brought  
2153 and the court shall make an equitable division.

2154 (2) All money which is forfeited under Sections 49-7-251  
2155 through 49-7-257 shall be divided, deposited and credited in the

2156 same manner as set forth in subsection (1) of this section.

2157 (3) All property forfeited, deposited and credited to the  
2158 Mississippi Department of Wildlife, Fisheries and Parks under  
2159 Sections 49-7-251 through 49-7-257 shall be forwarded to the State  
2160 Treasurer and deposited in a special fund for use by the  
2161 Mississippi Department of Wildlife, Fisheries and Parks upon  
2162 appropriation by the Legislature.

2163 (4) All other property that has been forfeited shall, except  
2164 as otherwise provided, be sold at a public auction for cash by the  
2165 chief law enforcement officer of the initiating law enforcement  
2166 agency, or his designee, to the highest and best bidder after  
2167 advertising the sale for at least once each week for three (3)  
2168 consecutive weeks, the last notice to appear not more than ten  
2169 (10) days nor less than five (5) days prior to such sale, in a  
2170 newspaper having a general circulation in the jurisdiction in  
2171 which said law enforcement agency is located. Such notices shall  
2172 contain a description of the property to be sold and a statement  
2173 of the time and place of sale. It shall not be necessary to the  
2174 validity of such sale either to have the property present at the  
2175 place of sale or to have the name of the owner thereof stated in  
2176 such notice. The proceeds of the sale shall be disposed of as  
2177 follows:

2178 (a) To any bona fide lienholder, secured party, or  
2179 other party holding an interest in the property in the nature of a  
2180 security interest, to the extent of his interest; and

2181 (b) The balance, if any, remaining after deduction of  
2182 all storage, court costs and expenses of liquidation shall be  
2183 divided, forwarded and deposited in the same manner set out in  
2184 subsection (1) of this section.

2185 (5) Any state, county or municipal law enforcement agency  
2186 may maintain, repair, use and operate for official purposes all  
2187 property or money that has been forfeited to the agency if it is  
2188 free from any interest of a bona fide lienholder, secured party or

2189 other party who holds an interest in the property in the nature of  
2190 a security interest. Such state, county or municipal law  
2191 enforcement agency may purchase the interest of a bona fide  
2192 lienholder, secured party or other party who holds an interest so  
2193 that the property can be released for its use. If the property is  
2194 a motor vehicle susceptible of titling under the Mississippi Motor  
2195 Vehicle Title Law, the law enforcement agency shall be deemed to  
2196 be the purchaser, and the certificate of title shall be issued to  
2197 it as required by subsection (7) of this section.

2198 (6) The Mississippi Department of Wildlife, Fisheries and  
2199 Parks may maintain, repair, use and operate for official purposes  
2200 all property, other than money that has been forfeited to the  
2201 Mississippi Department of Wildlife, Fisheries and Parks if it is  
2202 free from any interest of a bona fide lienholder, secured party,  
2203 or other party who holds an interest in the property in the nature  
2204 of a security interest. In such case, the Mississippi Department  
2205 of Wildlife, Fisheries and Parks may purchase the interest of a  
2206 bona fide lienholder, secured party, or other party who holds an  
2207 interest so that such property can be released for use by the  
2208 department.

2209 The Mississippi Department of Wildlife, Fisheries and Parks  
2210 may maintain, repair, use and operate such property with money  
2211 appropriated to the department for current operations. If the  
2212 property is a motor vehicle susceptible of titling under the  
2213 Mississippi Motor Vehicle Title Law, the Mississippi Department of  
2214 Wildlife, Fisheries and Parks is deemed to be the purchaser and  
2215 the certificate of title shall be issued to it as required by  
2216 subsection (7) of this section.

2217 (7) The State Tax Commission shall issue a certificate of  
2218 title to any person who purchases property under the provisions of  
2219 this section when a certificate of title is required under the  
2220 laws of this state.

2221 SECTION 80. Section 49-13-3, Mississippi Code of 1972, is

2222 amended as follows:[JWB75]

2223 49-13-3. As used in this chapter, the term:

2224 (a) "Commission" means the Mississippi Commission on  
2225 Wildlife, Fisheries and Parks.

2226 (b) "Department" means the Mississippi Department of  
2227 Wildlife, Fisheries and Parks.

2228 (c) \* \* \* "Pen-raised quail" means a quail that has  
2229 been hatched from an egg laid by a quail confined in a pen or coop  
2230 and has itself been wholly raised in a pen or coop by a duly  
2231 licensed quail breeder holding a permit as provided by law from  
2232 the Mississippi Commission on Wildlife, Fisheries and Parks.

2233 (d) \* \* \* "Quail" \* \* \* means all species of quail  
2234 native to North America and coturnix quail.

2235 SECTION 81. Section 49-13-7, Mississippi Code of 1972, is  
2236 amended as follows:[JWB76]

2237 49-13-7. A commercial quail breeder's license must first be  
2238 obtained from the \* \* \* commission, or its agents. The license  
2239 shall be applied for each year and shall be valid from April 1 to  
2240 March 31 next following, upon payment of Twenty-five Dollars  
2241 (\$25.00) for each \* \* \* license. The license must bear a number  
2242 as designated by the \* \* \* commission, and shall be conspicuously  
2243 exhibited at all times at the place where quail are bred.

2244 SECTION 82. Section 49-13-9, Mississippi Code of 1972, is  
2245 amended as follows:[JWB77]

2246 49-13-9. The sale or transfer or ownership of any pen-raised  
2247 quail carcasses must originate with a sale or transfer made by a  
2248 licensed commercial quail breeder.

2249 Each licensed quail producer shall display the license on the  
2250 premises in easy view and shall keep a record of each bird sale or  
2251 gift.

2252 The record of bird transfer should include the following  
2253 entries: kind and number of quail, date of ownership transfer and  
2254 name and address of purchaser or gift recipient. The record of

2255 transfer of ownership must be kept current and available at all  
2256 times for inspection by a representative of the department.  
2257 Record discrepancies may cause the licensed quail producer to be  
2258 charged with a misdemeanor.

2259 Any individual or owner of a business establishment  
2260 possessing quail from a licensed producer shall be subject to  
2261 having the birds confiscated and may be charged with a misdemeanor  
2262 if a record of transfer of ownership does not appear on the record  
2263 book of the licensed producer from whom the person in question  
2264 states that he purchased or received the birds.

2265 SECTION 83. Section 49-13-17, Mississippi Code of 1972, is  
2266 amended as follows:[JWB78]

2267 49-13-17. In case of the resale or disposition of quail  
2268 carcasses originally purchased or received from a licensed quail  
2269 producer and in turn sold or donated by another person, a record  
2270 of each subsequent change of ownership must be made. The  
2271 following information must be recorded by the present owner about  
2272 the owner who receives the quail: name and address of the person  
2273 or business to which the quail carcasses were transferred, the  
2274 date of the transfer and the kind and number of quail transferred.

2275 The record of the quail transfer of ownership must be kept by the  
2276 person or business selling or donating the quail for a period of  
2277 one (1) year following the ownership transfer and shall, upon  
2278 request, be available for inspection by a representative of the  
2279 department.

2280 SECTION 84. Section 49-13-19, Mississippi Code of 1972, is  
2281 amended as follows:[JWB79]

2282 49-13-19. Each person, firm or corporation, holding a  
2283 commercial quail breeder's license shall keep permanent records in  
2284 a suitable, permanently bound book of all birds' carcasses sold,  
2285 to whom sold, the date of the sale, the address of the vendee or  
2286 consignee and the number of carcasses sold, which record, as well  
2287 as the premises of such licensed breeder, shall be subject to

2288 examination and inspection by any agent of the department or peace  
2289 officer for violations of this chapter, without the issuance of  
2290 any warrant upon displaying his credentials of authority to such  
2291 breeder.

2292 SECTION 85. Section 49-13-23, Mississippi Code of 1972, is  
2293 amended as follows:[JWB80]

2294 49-13-23. Any person, firm or corporation violating any  
2295 provision of this chapter is guilty of a misdemeanor, and upon  
2296 conviction \* \* \* shall be punished by a fine of not less than One  
2297 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
2298 (\$500.00). Multiple violations of \* \* \* this chapter shall be  
2299 assessed fines near the maximum allowable limits. Also, a person  
2300 with multiple violations of \* \* \* this chapter may, at the  
2301 discretion of the \* \* \* commission, have his commercial quail  
2302 breeder's license suspended by operation of law for a period of  
2303 one (1) year.

2304 SECTION 86. Section 49-15-7, Mississippi Code of 1972, is  
2305 amended as follows:[JWB81]

2306 49-15-7. All shells of dead oysters, clams and other  
2307 shellfish; and all of the oyster shells, clam shells, mussel  
2308 shells, dead reef shells, and cay shells, being upon or under the  
2309 bottom of, or under the tidewaters within the territorial  
2310 jurisdiction of the State of Mississippi, and all beds, banks and  
2311 accumulations of such shells within such territorial jurisdiction  
2312 on or under the bottoms of such waters, or surrounded by such  
2313 waters, being the property of the State of Mississippi are hereby  
2314 further declared to be the property of the State of Mississippi  
2315 under the jurisdiction of the \* \* \* commission.

2316 SECTION 87. Section 49-15-45, Mississippi Code of 1972, is  
2317 amended as follows:[JWB82]

2318 49-15-45. (1) Any municipality bounded by the Gulf of  
2319 Mexico or Mississippi Sound, which has wholly or partly within its  
2320 corporate limits, or in the waters adjacent thereto, a public

2321 oyster reef reserved for catching oysters exclusively by use of  
2322 hand tongs, is hereby authorized to aid and cooperate with  
2323 the \* \* \* commission in enforcing all laws regulating the  
2324 catching, taking and transporting of oysters, including all of the  
2325 provisions of this chapter, and all regulations and ordinances of  
2326 such commission relating to such oyster reefs.

2327 (2) Such municipality may, in its discretion, extend its  
2328 corporate limits by continuing its boundaries at right angles to  
2329 the shore line, into the waters of the Mississippi Sound or Gulf  
2330 of Mexico or waters tributary thereto to any line within the  
2331 boundaries of the State of Mississippi, and may, by ordinance  
2332 spread upon its minutes, provide that all violations of such laws  
2333 and ordinances regulating the catching, taking and transporting of  
2334 oysters shall be violations of the municipal ordinances and  
2335 punishable as such.

2336 (3) In carrying out the provisions of this section such  
2337 municipality may purchase, equip and maintain a suitable patrol  
2338 boat and employ and pay the salaries of a crew to operate same and  
2339 officers to enforce such laws and ordinances.

2340 (4) Neither prosecutions nor convictions by such  
2341 municipality shall bar further prosecution and conviction by the  
2342 commission or its officers for the same offense.

2343 (5) All fines collected by such municipality in enforcing  
2344 the provisions of this chapter shall be paid into the general fund  
2345 of the municipality and all costs and expenses incurred in  
2346 connection with this chapter shall be paid out of the general fund  
2347 of the municipality.

2348 (6) Officers employed or deputized by the municipality to  
2349 carry out the provisions of this section shall have the right to  
2350 make arrests without warrant for any violations of the laws,  
2351 ordinances or regulations referred to in subsection (1) hereof,  
2352 committed in the presence or in the view of such arresting  
2353 officer.

2354 (7) Nothing herein contained shall be construed to authorize  
2355 any municipality to adopt any ordinances regulating catching,  
2356 taking or transporting oysters. The authority vested in such  
2357 municipality under this section being limited to enforcement of  
2358 statutes passed by the Legislature and ordinances and regulations  
2359 adopted by the \* \* \* commission \* \* \*.

2360 SECTION 88. Section 49-15-69, Mississippi Code of 1972, is  
2361 amended as follows:[JWB83]

2362 49-15-69. (1) Any resident citizen of the State of  
2363 Mississippi (a) who is not over sixteen (16) years of age; or (b)  
2364 who is sixty-five (65) years of age or more; or (c) who has been  
2365 adjudged to have a service-connected one hundred percent (100%)  
2366 disability, shall not be required to purchase or possess a license  
2367 or permit, except as provided by subsection (2) of this section,  
2368 or to pay any fee or charge when fishing for or taking for  
2369 personal, noncommercial use the following: (a) crabs, (b)  
2370 shrimps, or (c) oysters.

2371 (2) The \* \* \* commission is hereby directed to promulgate  
2372 and publish rules and regulations to implement the policy set  
2373 forth in subsection (1) of this section. Such rules shall provide  
2374 that persons exempted under subsection (1) of this section shall  
2375 apply to the department for certification as to age or disability  
2376 and shall be required to carry a certification card issued by the  
2377 commission while engaged in taking above-mentioned marine life.

2378 SECTION 89. Section 49-27-7, Mississippi Code of 1972, is  
2379 amended as follows:[JWB84]

2380 49-27-7. \* \* \* This chapter shall not apply to the following  
2381 activities, areas and entities:

2382 (a) The accomplishment of emergency decrees of any duly  
2383 appointed health officer of a county or municipality or of the  
2384 state, acting to protect the public health;

2385 (b) The conservation, repletion and research activities  
2386 of the Commission on Marine Resources, the Mississippi Gulf Coast

2387 Research Laboratory, the Commission on Wildlife, Fisheries and  
2388 Parks, and the Mississippi-Alabama Sea Grant Consortium when  
2389 acting through the Mississippi Universities Marine Center;

2390 (c) Hunting, erecting duck blinds, fishing,  
2391 shellfishing and trapping when and where otherwise permitted by  
2392 law;

2393 (d) Swimming, hiking, boating or other recreation that  
2394 causes no material harm to the flora and fauna of the wetlands;

2395 (e) The exercise of riparian rights by the owner of the  
2396 riparian rights, if the construction and maintenance of piers,  
2397 boathouses and similar structures are constructed on pilings that  
2398 permit a reasonably unobstructed ebb and flow of the tide. The  
2399 riparian owner may reasonably alter the wetland at the end of his  
2400 pier in order to allow docking of his vessels;

2401 (f) The normal maintenance and repair of bulkheads,  
2402 piers, roads and highways existing on the date of enactment of  
2403 this chapter, and all interstate highways planned but not yet  
2404 under construction; and financed in part by Federal Interstate  
2405 Highway Trust Funds;

2406 (g) Wetlands developed in the future by federal, state  
2407 or county governments for the establishment of a superport or a  
2408 pipeline buoy terminal for deep-draft, ocean-going vessels,  
2409 including but not limited to, wetlands adjacent to Petit Bois  
2410 Island and the Bayou Casotte Channel in Jackson County,  
2411 Mississippi;

2412 (h) The Biloxi Bridge and Park Commission, Biloxi Port  
2413 Commission, Long Beach Port Commission, Pass Christian Port  
2414 Commission, Pascagoula Port Commission, and any municipal or local  
2415 port authorities;

2416 (i) Wetlands used under the terms of the use permit  
2417 granted by Chapter 395, Laws of 1954;

2418 (j) Any activity affecting wetlands that is associated  
2419 with or is necessary for the exploration, production or

2420 transportation of oil or gas when such activity is conducted under  
2421 a current and valid permit granted by a duly constituted agency of  
2422 the State of Mississippi;

2423 (k) Activities of any mosquito control commission which  
2424 is a political subdivision or agency of the State of Mississippi;

2425 (l) The Fisherman's Wharf \* \* \* in Biloxi and the  
2426 Buccaneer State Park \* \* \* in Hancock County \* \* \*;

2427 (m) Wetlands conveyed by the state for industrial  
2428 development thereon pursuant to Section 211, Mississippi  
2429 Constitution of 1890, and pursuant to Section 29-3-61, Mississippi  
2430 Code of 1972;

2431 (n) The activities of the Hancock County Port and  
2432 Harbor Commission affecting wetlands within its jurisdiction;

2433 (o) The activities of the Harrison County Development  
2434 Commission affecting wetlands within its jurisdiction;

2435 (p) The activities of the Jackson County Port Authority  
2436 affecting wetlands within its jurisdiction;

2437 (q) The activities of the Mississippi State Port at  
2438 Gulfport affecting wetlands within its jurisdiction; and

2439 (r) In the case of regulated activities which, in the  
2440 judgment of the director or his delegate, after an on-site  
2441 inspection, have no harmful impact on the environment and which  
2442 make no substantial change in the wetlands, the director may issue  
2443 a certificate of waiver, and no permit shall be required.

2444 All activities, areas and entities exempt from the regulatory  
2445 provisions, whether by name or reference, when carrying out what  
2446 would otherwise be regulated activities in coastal wetlands shall  
2447 at all times adhere to the policy as set forth in Section  
2448 49-27-3. \* \* \* Each entity shall notify the commission of all  
2449 such activities so that the commission may be fully advised of all  
2450 activities in the coastal wetlands.

2451 SECTION 90. Section 51-9-107, Mississippi Code of 1972, is  
2452 amended as follows:[JWB85]

2453           51-9-107. All powers of the district shall be exercised by a  
2454 board of directors, to be composed of the following:

2455           (a) Each member of the Pearl River Industrial  
2456 Commission whose county becomes a part of the Pearl River Valley  
2457 Water Supply District shall be a member of the Board of Directors  
2458 of the Pearl River Valley Water Supply District. Such directors  
2459 shall serve on this board during their term of office on the Pearl  
2460 River Industrial Commission. In addition the board of supervisors  
2461 of each county which becomes a part of the district shall appoint  
2462 one (1) additional member.

2463           (b) The Mississippi Commission on Environmental  
2464 Quality, the Mississippi Commission on Wildlife, Fisheries and  
2465 Parks, Forestry Commission and the State Board of Health of the  
2466 State of Mississippi shall each appoint one (1) director from that  
2467 department to serve on the Board of Directors of the Pearl River  
2468 Valley Water Supply District to serve at the pleasure of the  
2469 respective board appointing him.

2470           (c) Each director shall take and subscribe to the oath  
2471 of office required by Section 268 of the Constitution of the State  
2472 of Mississippi before a chancery clerk, that he will faithfully  
2473 discharge the duties of the office, which oath shall be filed with  
2474 the said clerk and by him preserved.

2475           (d) Each director shall receive per diem compensation in  
2476 the amount as provided in Section 25-3-69 for attending each  
2477 meeting of the board and for each day spent in attending to the  
2478 necessary business of the district and shall be reimbursed for  
2479 actual expenses thus incurred upon express authorization of the  
2480 board, including travel expenses, as provided in Section 25-3-41.

2481           (e) The board of directors shall annually elect from its  
2482 number a president and a vice president of the district, and such  
2483 other officers as in the judgment of the board are necessary. The  
2484 president shall be the chief executive officer of the district and  
2485 the presiding officer of the board, and shall have the same right

2486 to vote as any other director. The vice president shall perform  
2487 all duties and exercise all powers conferred by this article upon  
2488 the president when the president is absent or fails or declines to  
2489 act, except the president's right to vote. The board shall also  
2490 appoint a secretary and a treasurer who may or may not be members  
2491 of the board, and it may combine those offices. The treasurer  
2492 shall give bond in the sum of not less than Fifty Thousand Dollars  
2493 (\$50,000.00) as set by the board of directors and each director  
2494 shall give bond in the sum of not less than Ten Thousand Dollars  
2495 (\$10,000.00), and the premiums on said bonds shall be an expense  
2496 of the district. The condition of each such bond shall be that  
2497 the treasurer or director will faithfully perform all duties of  
2498 office and account for all money which shall come into his custody  
2499 as treasurer or director of the district.

2500 SECTION 91. Section 51-9-127, Mississippi Code of 1972, is  
2501 amended as follows:[JWB86]

2502 51-9-127. (1) The board of directors of the district shall  
2503 have the power to adopt and promulgate all reasonable regulations  
2504 to secure, maintain, and preserve the sanitary condition of all  
2505 water in and to flow into any reservoir owned by the district, to  
2506 prevent waste of water or the unauthorized use thereof, and to  
2507 regulate residence, hunting, fishing, boating, camping,  
2508 circulation of vehicular traffic on land, the parking of such  
2509 vehicles, and all recreational and business privileges in, along,  
2510 or around any such reservoir, any body of land, or any easement  
2511 owned by the district.

2512 (2) All such regulations prescribed by the board of  
2513 directors, after publication in a daily newspaper of statewide  
2514 circulation and in a newspaper of general circulation in each  
2515 county comprising the area of the district, shall have the full  
2516 force and effect of law; and violation thereof shall be punishable  
2517 by fine not to exceed One Thousand Dollars (\$1,000.00), as may be  
2518 prescribed in such regulations, or by imprisonment not to exceed

2519 fifteen (15) days, or both the amount of the fine and the term of  
2520 the imprisonment, within the maximum limit set by this statute and  
2521 within the maximum limit prescribed in such regulations, to be  
2522 determined by the court.

2523 All such rules and regulations so prescribed and the  
2524 penalties fixed thereunder relating to hunting, fishing, and  
2525 boating shall not conflict with, exceed, alter, or suspend any  
2526 regulations, rules, or penalties prescribed by general statute or  
2527 by the Mississippi \* \* \* Commission on Wildlife, Fisheries and  
2528 Parks \* \* \*; and all fines and penalties levied and collected  
2529 under this article shall be remitted and accounted for in  
2530 accordance with the general statutes relating thereto.

2531 (3) In the event of a violation of any regulation adopted to  
2532 prevent pollution of the waters in any reservoir owned by the  
2533 district, or the threat of continuous violation thereof, the  
2534 district shall have authority to sue for and obtain damages and  
2535 other appropriate relief, including injunctive relief.

2536 SECTION 92. Section 51-11-5, Mississippi Code of 1972, is  
2537 amended as follows:[JWB87]

2538 51-11-5. All powers of the Pearl River Basin Development  
2539 District, hereinafter referred to in this chapter as the district,  
2540 shall be exercised by a board of directors to be selected and  
2541 composed as follows:

2542 (a) The Mississippi Commission on Environmental  
2543 Quality, the Mississippi Commission on Wildlife, Fisheries and  
2544 Parks, the Forestry Commission, and the State Board of Health of  
2545 the State of Mississippi shall each appoint one (1) director to  
2546 serve on the board of directors of the district, each such  
2547 director to serve at the pleasure of the respective state agency  
2548 appointing him but not to exceed a six-year term.

2549 (b) The board of supervisors of each county which  
2550 elects to become a member of the district shall appoint two (2)  
2551 directors from that county, each of whom shall serve for a term of

2552 six (6) years or until his successor is appointed by the board of  
2553 supervisors of that county and qualified. In making its initial  
2554 appointment of directors, the board of supervisors of each member  
2555 county shall appoint one (1) of its two (2) directors to serve for  
2556 a term of three (3) years or until his successor is appointed and  
2557 qualified.

2558 (c) The Governor of the State of Mississippi shall  
2559 appoint one (1) director residing within the district, who shall  
2560 serve for a term of six (6) years or until his successor is  
2561 appointed by the Governor and qualified.

2562 (d) Each director shall take and subscribe to the  
2563 general oath of office required by Section 268 of the Constitution  
2564 of the State of Mississippi before a chancery clerk, that he will  
2565 faithfully discharge the duties of the office, which oath shall be  
2566 filed with the said clerk and by him preserved.

2567 (e) Each director shall receive a per diem in the  
2568 amount as provided in Section 25-3-69 for attending each day's  
2569 meeting of the board of directors and for each day spent in  
2570 attending to the necessary business of the district and, in  
2571 addition, he shall receive reimbursement for actual expenses,  
2572 including travel expenses, as provided in Section 25-3-41.

2573 (f) The board of directors shall annually elect from  
2574 its number a president and vice president of the district and such  
2575 other officers as, in the judgment of the board of directors, are  
2576 necessary. The president shall be the chief executive officer of  
2577 the district and the presiding officer of the board of directors,  
2578 and shall have the same right to vote as any other director. The  
2579 vice president shall perform all duties and exercise all powers  
2580 conferred by this chapter upon the president when the president is  
2581 absent or fails or declines to act, except the president's right  
2582 to vote. The board of directors shall also appoint a secretary  
2583 and a treasurer who shall be members of the board of directors,  
2584 and it may combine those officers. The treasurer shall give bond

2585 in the sum of not less than Fifty Thousand Dollars (\$50,000.00) as  
2586 set by the board of directors, and each director may be required  
2587 to give bond in the sum of not less than Ten Thousand Dollars  
2588 (\$10,000.00), with sureties qualified to do business in this  
2589 state, and the premiums on said bonds shall be an expense of the  
2590 district. Each such bond shall be payable to the State of  
2591 Mississippi; the condition of each such bond shall be that the  
2592 treasurer or director will faithfully perform all duties of his  
2593 office and account for all money or other assets which shall come  
2594 into his custody as treasurer or director of the district.

2595 (g) A majority of the total membership of the board of  
2596 directors shall constitute a quorum at a regular meeting, or at  
2597 any special meeting duly called and held for a specific purpose.  
2598 All business of the district shall be transacted by the  
2599 affirmative vote of a majority of the total membership of the  
2600 board of directors.

2601 (h) The State Auditor of Public Accounts shall annually  
2602 audit the books and records of the district and make a report  
2603 thereof to the Governor and the Legislature.

2604 SECTION 93. Section 51-11-9, Mississippi Code of 1972, is  
2605 amended as follows:[JWB88]

2606 51-11-9. (1) Within twenty (20) days after the passage of  
2607 this chapter, the Mississippi Commission on Environmental Quality,  
2608 the Mississippi Commission on Wildlife, Fisheries and Parks, the  
2609 Forestry Commission, and the State Board of Health of the State of  
2610 Mississippi shall appoint their respective members to the proposed  
2611 district board of directors as provided in Section 51-11-5. These  
2612 four (4) appointive members, upon taking the oath as provided,  
2613 shall meet in the Office of the Mississippi Department of  
2614 Environmental Quality in Jackson, Mississippi, within ten (10)  
2615 days, and adopt by a majority vote a resolution setting forth  
2616 their intentions of creating the district and shall forthwith send  
2617 a certified copy of said resolution to:

2618 (a) The Governor;  
2619 (b) Executive officers of the Mississippi Commission on  
2620 Environmental Quality, Mississippi Commission on Wildlife,  
2621 Fisheries and Parks, Forestry Commission, and State Board of  
2622 Health; and

2623 (c) The president of the board of supervisors and the  
2624 chancery clerk of each county which is part of the Pearl River  
2625 Basin. After receipt of said resolution, each of the four (4)  
2626 state agencies hereinabove named may adopt its own resolution  
2627 favorable or unfavorable to the creation of said district; and the  
2628 respective boards of supervisors may, at their next regular  
2629 meeting or at any subsequent meeting, likewise adopt a resolution  
2630 favorable or unfavorable to creating said district. All said  
2631 resolutions adopted shall be certified by adopting body's  
2632 secretary, clerk, or executive officer, and certified copies shall  
2633 be filed with each state agency and political subdivision named in  
2634 this section.

2635 (2) The board of supervisors of any county which is part of  
2636 the Pearl River Basin and which desires to become a member of the  
2637 district shall, upon receipt of the certified resolution to be  
2638 adopted by the four (4) initial directors, declare said board's  
2639 intentions by adopting a resolution expressing its desire to have  
2640 said district created and stating that its county desires to be a  
2641 member thereof and that said board desires and intends to levy a  
2642 special ad valorem tax not to exceed one-half (1/2) mill on all  
2643 taxable property within said county for the use and benefit of the  
2644 Pearl River Basin Development District, if and in the event that  
2645 other funds of that county are not available and appropriated to  
2646 pay for that county's required contribution to said district. The  
2647 said resolution shall be published once each week for three (3)  
2648 consecutive weeks in some newspaper published in the county and  
2649 having a general circulation therein. If within twenty-one (21)  
2650 days after the date of the first publication of said resolution no

2651 petition signed by twenty per cent (20%) of the qualified electors  
2652 of the county is filed with the board of supervisors requesting  
2653 the calling of an election on the question of the county's  
2654 participation in the district and the levying of the special ad  
2655 valorem tax not to exceed one-half (1/2) mill as aforesaid, then  
2656 the board of supervisors may proceed to have the county made a  
2657 member of said district and to levy the special ad valorem tax not  
2658 to exceed one-half (1/2) mill if and when required; but if within  
2659 twenty-one (21) days after the date of the first publication of  
2660 said resolution a petition is filed, signed by at least twenty  
2661 percent (20%) of the qualified electors of said county, requesting  
2662 an election on the proposition of said county's becoming a member  
2663 of the proposed district and the levying of the special ad valorem  
2664 tax not to exceed one-half (1/2) mill as herein provided, then  
2665 said election shall be held and conducted as now provided by law  
2666 for such election. If such an election is held and a majority of  
2667 those voting therein vote for the proposition, the board shall, by  
2668 appropriate resolution, bring the county into the district and  
2669 levy the special ad valorem tax not to exceed one-half (1/2) mill  
2670 as provided by this chapter, if required. If the majority of  
2671 those voting in such election shall vote against the proposition,  
2672 then the county shall not become a member of the district nor levy  
2673 the one-half (1/2) mill tax, and no further election shall be so  
2674 conducted until the lapse of two (2) years after the last  
2675 election.

2676 (3) Whenever an aggregate of six (6) counties shall have  
2677 become members of the Pearl River Basin Development District in  
2678 the manner provided in this section, the said district shall be  
2679 created as an agency of the state and a body politic and corporate  
2680 with all the powers granted to it by statute; at which time the  
2681 Governor shall appoint the four (4) directors to be appointed by  
2682 him.

2683 (4) Any eligible county may become a member of the district

2684 subsequent to its creation, in the manner that the original  
2685 counties became members. New member counties shall have the same  
2686 power and authority and be entitled to equal consideration of the  
2687 district's board of directors, not inconsistent with the purpose  
2688 of this chapter.

2689 SECTION 94. Section 51-11-19, Mississippi Code of 1972, is  
2690 amended as follows:[JWB89]

2691 51-11-19. (1) The board of directors of the district shall  
2692 have the power to adopt and promulgate all reasonable regulations  
2693 so as to secure, maintain, and preserve the sanitary condition of  
2694 all water in and to flow into any reservoir owned by the district,  
2695 to prevent waste of water or the unauthorized use thereof, and to  
2696 regulate residence, hunting, fishing, boating, camping,  
2697 circulation of vehicular traffic on land, the parking of such  
2698 vehicles, and all recreational and business privileges in, along,  
2699 or around any such reservoir, any body of land, or any easement  
2700 owned by the district.

2701 (2) All such regulations prescribed by the board of  
2702 directors, after publication in a daily newspaper of statewide  
2703 circulation and in a newspaper of general circulation in each  
2704 county comprising the area of the district, shall have the full  
2705 force and effect of law, and violation thereof shall be punishable  
2706 by fine, not to exceed One Thousand Dollars (\$1,000.00), as may be  
2707 prescribed in such regulations, or by imprisonment, not to exceed  
2708 fifteen (15) days, to be determined by the court, or both.

2709 (3) In the event of a violation of any regulation adopted to  
2710 prevent pollution of the waters in any reservoir owned by the  
2711 district, or the threat of continuous violation thereof, the  
2712 district shall have authority to sue for and obtain damages and/or  
2713 other appropriate relief, including injunctive relief.

2714 (4) All such rules and regulations so prescribed and the  
2715 penalties fixed thereunder, by the authority of this section,  
2716 shall not conflict with, exceed, alter, or suspend any

2717 regulations, rules, or penalties prescribed by general statute, by  
2718 the Mississippi \* \* \* Commission on Wildlife, Fisheries and Parks  
2719 or the Mississippi State Board of Health \* \* \*. All fines and  
2720 penalties levied and collected under this chapter shall be  
2721 remitted and accounted for in accordance with the general statutes  
2722 relating thereto.

2723 SECTION 95. Section 51-13-107, Mississippi Code of 1972, is  
2724 amended as follows:[JWB90]

2725 51-13-107. (1) Within twenty (20) days after the passage of  
2726 this article, the Mississippi Commission on Environmental Quality,  
2727 State Board of Health, Mississippi Commission on Wildlife,  
2728 Fisheries and Parks, and the Forestry Commission of the State of  
2729 Mississippi shall appoint their respective members to the proposed  
2730 district board of directors as provided in Section 51-13-105. The  
2731 four (4) appointive members, upon taking the oath as provided,  
2732 shall meet in the Office of the Mississippi Department of  
2733 Environmental Quality in Jackson, Mississippi, within ten (10)  
2734 days and adopt by a majority vote a resolution setting forth their  
2735 intentions of creating the district and shall forthwith send a  
2736 certified copy of said resolution to: (1) each member of the  
2737 Tombigbee Valley Authority as now constituted, (2) the Governor,  
2738 (3) executive officers of the Mississippi Commission on  
2739 Environmental Quality, Board of Health, Mississippi Commission on  
2740 Wildlife, Fisheries and Parks, and Forestry Commission, and (4)  
2741 the president of the board of supervisors and chancery clerk of  
2742 each county through which any part of the Tombigbee River or any  
2743 of its tributaries lie. The four (4) state agencies herein named  
2744 and the Tombigbee Valley Authority may, within ten (10) days from  
2745 receipt of said resolution, adopt its own resolution favorable or  
2746 unfavorable to the creation of said district; and the respective  
2747 boards of supervisors may at their next regular meeting likewise  
2748 adopt a resolution favorable or unfavorable to creating said  
2749 district. All of said resolutions adopted shall be certified by

2750 its secretary, clerk, or executive officer and shall be filed with  
2751 each state agency, political subdivision, or other agency named in  
2752 Section 55-13-105.

2753 (2) Every board of supervisors of those counties desiring to  
2754 become members of the district, through which the Tombigbee River  
2755 or any of its tributaries lie, shall, upon receipt of the  
2756 certified resolutions mentioned in this section, declare said  
2757 board's intentions by adopting a resolution expressing its desire  
2758 to have said district created and to levy an ad valorem tax not to  
2759 exceed one-half (1/2) mill on all the taxable property within the  
2760 Tombigbee Watershed area of said county for the use and benefit of  
2761 the Tombigbee River Valley Water Management District. The said  
2762 resolution shall be published once each week for three (3)  
2763 consecutive weeks in some newspaper published in the county and  
2764 having a general circulation therein, and if no petition signed by  
2765 twenty percent (20%) of the qualified electors of the county is  
2766 filed with the board requesting the calling of an election on the  
2767 question of the county's participation in the district and the  
2768 levying of the one-half (1/2) mill tax levy aforesaid, the board  
2769 may proceed to have the county become a member of said district  
2770 and to levy the one-half (1/2) mill tax levy but if, within  
2771 twenty-one (21) days after the date of the first publication of  
2772 said resolution, a petition signed by at least twenty percent  
2773 (20%) of the qualified electors of said county, requesting an  
2774 election on the proposition of said county becoming a member of  
2775 the proposed district and the levying of the one-half (1/2) mill  
2776 tax as herein provided, is filed, said election shall be held and  
2777 conducted as now provided by law for such elections. If such an  
2778 election is held and a majority of those voting therein vote for  
2779 the proposition, the board shall, by appropriate resolution, bring  
2780 the county into the district and levy the one-half (1/2) mill tax  
2781 as otherwise provided by law. If the majority of those voting in  
2782 such election shall vote against the proposition, then the county

2783 shall not become a member of the district nor levy the one-half  
2784 (1/2) mill tax; and no further election shall be so conducted  
2785 until the lapse of two (2) years after the last election.

2786 (3) Whenever an aggregate of six (6) counties have become  
2787 members of the Tombigbee River Valley Water Management District in  
2788 the manner provided in this section, the said district shall be  
2789 created as an agency of the state and a body politic and corporate  
2790 with all of the powers granted it by statute.

2791 SECTION 96. Section 53-7-11, Mississippi Code of 1972, is  
2792 amended as follows:[JWB91]

2793 53-7-11. No later than ninety (90) days following the  
2794 effective date of this section the commission shall promulgate  
2795 proposed substantive and procedural rules and regulations  
2796 pertaining to surface mining and reclamation operations to  
2797 implement the provisions of this chapter. However, before  
2798 adopting such rules and regulations, the commission shall hold a  
2799 public hearing. Notice of the date, time, place and purpose of  
2800 the hearing shall be given thirty (30) days prior to the scheduled  
2801 date of the hearing as follows:

2802 (a) By mail to all operators known by the commission to  
2803 be actively engaged in surface mining;

2804 (b) By mail to persons who request notification of such  
2805 proposed regulations;

2806 (c) By mail to the State Soil and Water Conservation  
2807 Commission and to each of the local soil and water conservation  
2808 districts;

2809 (d) By mail to the Mississippi Department of  
2810 Environmental Quality, Mississippi Department of Wildlife,  
2811 Fisheries and Parks, Mississippi Forestry Commission, Board of  
2812 Trustees of the Mississippi Department of Archives and History,  
2813 Mississippi Transportation Commission, \* \* \* Mississippi  
2814 Agricultural and Forestry Experiment Station and to any other  
2815 state agency whose jurisdiction the commission feels the surface

2816 mining operations may affect; and

2817 (e) To other interested parties by publication once  
2818 weekly for three (3) consecutive weeks in at least three (3)  
2819 newspapers having general circulation in the State of Mississippi.

2820 Any person shall be entitled to submit written comments or to  
2821 appear and offer evidence at such public hearing. The commission  
2822 shall consider all comments and relevant data presented at such  
2823 hearing before promulgation and publication of permanent rules and  
2824 regulations under this chapter.

2825 SECTION 97. Section 53-7-29, Mississippi Code of 1972, is  
2826 amended as follows:

2827 53-7-29. (1) The commission shall file a copy of each  
2828 application and notice of intent for public inspection with the  
2829 chancery clerk at the county courthouse of the county where any  
2830 and all portion of the mining is proposed to occur after deleting  
2831 the confidential information according to Section 53-7-75.

2832 (2) The commission shall immediately submit copies,  
2833 excluding all confidential information, of the permit application  
2834 or notice of intent to the State Soil and Water Conservation  
2835 Commission, Mississippi Department of Wildlife, Fisheries and  
2836 Parks, Mississippi Forestry Commission, Mississippi Department of  
2837 Environmental Quality, Board of Trustees of the Department of  
2838 Archives and History, Mississippi Transportation Commission, \* \* \*  
2839 State Oil and Gas Board and the Mississippi Agricultural and  
2840 Forestry Experiment Station, to any other state agency whose  
2841 jurisdiction the commission feels the particular mining operation  
2842 may affect and to any person who requests the notification thereof  
2843 upon payment of a reasonable fee established by the commission.  
2844 Each such agency shall review the permit application and notice of  
2845 intent and submit, within thirty (30) days of receipt of the  
2846 application, such comments, recommendations and evaluations as the  
2847 agency deems necessary and proper based only upon the effect of  
2848 the proposed operation on matters within the agency's

2849 jurisdiction. Such comments shall include an enumeration of  
2850 permits or licenses required under the agency's jurisdiction.  
2851 Such comments and recommendations shall be made a part of the  
2852 record and one (1) copy shall be furnished to the operator.

2853 SECTION 98. Section 53-7-45, Mississippi Code of 1972, is  
2854 amended as follows:

2855 53-7-45. (1) All applicants for a Class I permit and  
2856 operators of a Class I operation requesting an amendment shall  
2857 publish notice that the application or request for amendment has  
2858 been filed, describing by name the specific type of application or  
2859 request and setting forth the ownership, location and boundaries  
2860 of the permit area sufficient so that the proposed or existing  
2861 area of operation may be easily located by local residents, and  
2862 the location where the application is available for public  
2863 inspection. Such notice shall be placed in a newspaper of general  
2864 circulation in the county of the proposed or existing operation  
2865 one (1) time within ten (10) days after filing the application or  
2866 request for amendment.

2867 (2) Public hearings may be held at the office of the  
2868 commission in Hinds County, Mississippi, or in the county in which  
2869 the greater portion of the affected area is located, in the  
2870 discretion of the commission. The commission shall give thirty  
2871 (30) days' notice of the date, time and place of any such hearing  
2872 to (a) the operator involved, (b) the local soil and water  
2873 conservation districts, local governing bodies, the State Soil and  
2874 Water Conservation Commission, the Mississippi Department of  
2875 Environmental Quality, the Mississippi Department of Wildlife,  
2876 Fisheries and Parks, Mississippi Forestry Commission, Board of  
2877 Trustees of the Mississippi Department of Archives and History,  
2878 Mississippi Transportation Commission, \* \* \* Mississippi  
2879 Agricultural and Forestry Experiment Station and to any other  
2880 state agency whose jurisdiction the commission feels the mining  
2881 operation may affect, (c) the owners of record of all surface

2882 areas in the permit area and within five hundred (500) feet  
2883 thereof, notifying them of the subject matter of such hearing, and  
2884 (d) other interested parties by publication once weekly for three  
2885 (3) consecutive weeks in the newspaper of general circulation in  
2886 the county where such operation may be conducted or is being  
2887 conducted. The last publication of such notice shall be not less  
2888 than ten (10) days prior to the date of the hearing.

2889 (3) The commission shall issue and furnish all of the  
2890 parties to the administrative proceedings with its written  
2891 findings based on the record, granting or denying the application  
2892 in whole or in part and stating the reasons therefor, not later  
2893 than thirty (30) days of said hearings.

2894 (4) (a) Any party to the administrative proceedings whose  
2895 interest is or may be adversely affected by any ruling, order,  
2896 decision or other act of the commission may appeal by filing a  
2897 petition in the chancery court in the county in which the greater  
2898 portion of the land in question is located.

2899 (b) The petition must be filed within twenty (20) days  
2900 after the date of the commission's action, or, in case of a  
2901 ruling, order or decision, within twenty (20) days after its  
2902 effective date.

2903 (c) The court shall hear such complaint solely on the  
2904 record made before the commission. The findings of the  
2905 commission, if supported by substantial evidence on the record  
2906 considered as a whole, shall be upheld.

2907 (d) The court may, under such conditions as it may  
2908 prescribe, grant such temporary relief as it deems appropriate  
2909 pending final determination of the proceedings.

2910 (e) The commencement of an appeal under this section  
2911 shall not, unless specifically ordered by the court, operate as a  
2912 stay of the action, order or decision of the commission.

2913 (f) Any action arising under this chapter shall be  
2914 given precedence by the court.

2915 SECTION 99. Section 53-7-49, Mississippi Code of 1972, is  
2916 amended as follows:

2917 53-7-49. (1) With the assistance of the Mississippi  
2918 Commission on Wildlife, Fisheries and Parks, the \* \* \* commission  
2919 shall identify and designate as unsuitable certain lands for all  
2920 or certain types of surface mining; provided that the commission  
2921 shall develop rules and regulations to provide reasonable notice  
2922 to prospective operators of areas which might be designated as  
2923 unsuitable for surface mining. The commission may designate areas  
2924 as unsuitable for surface mining lands when the commission  
2925 determines:

2926 (a) Such operations will result in significant damage  
2927 to important areas of historic, cultural or archaeological value  
2928 or to important natural systems;

2929 (b) Such operations will affect renewal resource lands  
2930 resulting in a substantial loss or reduction of long-range  
2931 productivity of water supply or food or fiber products, such lands  
2932 to include aquifers and aquifer recharge areas;

2933 (c) Such operations are located in areas of unstable  
2934 geological formations and may reasonably be expected to endanger  
2935 life and property;

2936 (d) Such operations will damage ecologically sensitive  
2937 areas;

2938 (e) Such operations will significantly and adversely  
2939 affect any national park, national monument, national historic  
2940 landmark, property listed on the national register of historic  
2941 places, national forest, national wilderness area, national  
2942 wildlife refuge, national wild or scenic river area, state park,  
2943 state wildlife refuge, state forest, recorded state historical  
2944 landmark, state historic site, state archaeological landmark, or  
2945 city or county park;

2946 (f) Such operations would endanger any public road,  
2947 public building, cemetery, school, church or similar structure or

2948 existing dwelling outside the permit area; or

2949 (g) The commission determines that reclamation pursuant  
2950 to the requirements of this chapter is not feasible.

2951 SECTION 100. The following shall be codified as Section  
2952 55-3-2, Mississippi Code of 1972:

2953 55-3-2. For purposes of Chapter 3, Title 55, Mississippi  
2954 Code of 1972, the following words shall have the meanings ascribed  
2955 herein unless the context otherwise requires:

2956 (a) "Commission" means the Mississippi Commission on  
2957 Wildlife, Fisheries and Parks.

2958 (b) "Department" means the Mississippi Department of  
2959 Wildlife, Fisheries and Parks.

2960 (c) "Executive director" means the Executive Director  
2961 of the Mississippi Department of Wildlife, Fisheries and Parks.

2962 SECTION 101. Section 55-3-5, Mississippi Code of 1972, is  
2963 amended as follows:[JWB92]

2964 55-3-5. The department is authorized to survey, or cause to  
2965 be surveyed, all areas of land owned by the state for the purpose  
2966 of determining the adaptability of such areas for use as state  
2967 parks, state forests and/or game and fish preserves to be  
2968 developed for the control of stream flow and erosion, recreation,  
2969 game and fish refuges or preserves, forest preserves, and for  
2970 other similar uses.

2971 SECTION 102. Section 55-3-7, Mississippi Code of 1972, is  
2972 amended as follows:[CR93]

2973 55-3-7. The \* \* \* commission \* \* \* shall investigate and  
2974 determine whether or not the public interests may be served by the  
2975 utilization of any lands owned by the State of Mississippi, for  
2976 state forests, parks, game and fish preserves, recreation centers,  
2977 and for other public purposes, and the findings of the commission  
2978 shall be submitted to the board of supervisors of the county  
2979 wherein such lands lie. Thereupon the clerk of the board of  
2980 supervisors shall post, or cause to be posted, in three (3) public

2981 places in said county, one (1) of which shall be the courthouse of  
2982 said county, a notice setting out the findings of the commission  
2983 and describing the lands involved and reciting that a hearing will  
2984 be had before said board at its first regular meeting held after  
2985 the expiration of twenty-one (21) days from the date of posting  
2986 such notice, and that at such meeting any objections to the  
2987 proposed transfer and dedication will be heard. Furthermore, the  
2988 chancery clerk shall send by registered mail, with a return  
2989 receipt requested, a copy of such notice to each person shown by  
2990 the assessment rolls to have been the owner or of any of the lands  
2991 concerned should such lands have been sold for taxes. However,  
2992 any irregularity in the giving of such notice, either by posting  
2993 or by mail, shall not invalidate any transfer or dedication made.  
2994 After such hearing, the board of supervisors shall spread its  
2995 findings upon its minutes, and if the transfer and dedication be  
2996 approved, a certified copy of such findings shall be forwarded to  
2997 the commission. The commission upon receipt of such resolution  
2998 shall forward the same, together with its findings as to the  
2999 description of such transfer and dedication, to the Governor. If  
3000 he finds that the board of supervisors of the county wherein such  
3001 lands lie has approved such transfer and dedication, he may, in  
3002 his discretion, set aside and dedicate any lands owned by the  
3003 state for such purposes above mentioned. After the Governor has  
3004 proclaimed, set aside and dedicated any lands for such purposes,  
3005 the same shall not thereafter be sold. However, no lands  
3006 forfeited to the state for nonpayment of taxes thereon shall be so  
3007 transferred and dedicated until after the expiration of eighteen  
3008 (18) months after the date of maturity of such tax titles in the  
3009 state.

3010 SECTION 103. Section 55-3-9, Mississippi Code of 1972, is  
3011 amended as follows:[CR94]

3012 55-3-9. If in the opinion of the \* \* \* commission \* \* \*, it  
3013 is necessary to consolidate state lands for more economical

3014 administration as state parks and state forests, the Secretary of  
3015 State, by and with the approval of the Governor, is authorized to  
3016 exchange with individuals or corporations any state lands for  
3017 other lands owned by individuals or corporations. The owner of  
3018 such private lands shall make application for such exchange. In  
3019 event such exchange is applied for, the Secretary of State is  
3020 authorized to issue a patent, as provided by the existing  
3021 statutes, to any landowner, upon the execution and delivery by the  
3022 landowner of a deed conveying to the state land of equivalent  
3023 value.

3024 SECTION 104. Section 55-3-11, Mississippi Code of 1972, is  
3025 amended as follows:[JWB95]

3026 55-3-11. The State Forestry Commission shall have the  
3027 control and management of any and all forests or public parks set  
3028 aside and dedicated as provided for in Section 55-3-7, and shall  
3029 have authority to issue grazing or farming permits or leases on  
3030 said parks, and to make sales of timber and other forest products  
3031 of the soil from same. The Mississippi Commission on Wildlife,  
3032 Fisheries and Parks shall have the control and management of any  
3033 and all lands set aside and dedicated for a fish and game refuge  
3034 and/or preserve. The State Forestry Commission and the  
3035 Mississippi Commission on Wildlife, Fisheries and Parks shall  
3036 cooperate in the utilization of any lands so dedicated both for  
3037 forestry and game and fish conservation purposes.

3038 In the case of state forests and/or state parks the State  
3039 Forestry Commission, and, in the case of fish and game preserves,  
3040 the Mississippi Commission on Wildlife, Fisheries and Parks, is  
3041 hereby vested with authority to institute proceedings against  
3042 trespassers and others in the name of the State of Mississippi,  
3043 and to do all things necessary and proper to obtain the most  
3044 complete and advantageous developments of state forests, parks,  
3045 and fish and game preserves.

3046 SECTION 105. Section 55-3-19, Mississippi Code of 1972, is

3047 amended as follows:[JWB96]

3048           55-3-19. Where the federal government and the state  
3049 government or any subdivision thereof are cooperating in the  
3050 establishment of a major park and forest and game reserve, and  
3051 where the property owners in the territory therein involved have  
3052 agreed to convey as much as fifty percent (50%) of the area  
3053 required for said purposes, the State Forestry Commission,  
3054 together with the Mississippi Commission on Wildlife, Fisheries  
3055 and Parks or any subdivision of the state, are hereby empowered to  
3056 exercise the right of eminent domain in the manner now provided by  
3057 law to obtain the necessary lands needed.

3058           SECTION 106. Section 55-3-45, Mississippi Code of 1972, is  
3059 amended as follows:[JWB97]

3060           55-3-45. The commission may appoint for each state park a  
3061 local advisory committee to furnish counsel and advice to the  
3062 executive director and to park personnel concerning the operation  
3063 and development of said park. The committee is to serve without  
3064 pay.

3065           SECTION 107. Section 55-3-49, Mississippi Code of 1972, is  
3066 amended as follows:[JWB98]

3067           55-3-49. The department through its executive director,  
3068 shall inaugurate a positive program of preventive maintenance for  
3069 all parks under its jurisdiction.

3070           SECTION 108. Section 55-3-51, Mississippi Code of 1972, is  
3071 amended as follows:[JWB99]

3072           55-3-51. The department shall give due and careful attention  
3073 to the proper development of historical sites designated within  
3074 its jurisdiction. However, the department \* \* \* shall not accept  
3075 for its supervision, control, responsibility or jurisdiction any  
3076 historic sites hereafter offered to it without prior legislative  
3077 approval.

3078           SECTION 109. Section 55-3-57, Mississippi Code of 1972, is  
3079 amended as follows:[JWB100]

3080           55-3-57. Each employee of the department, when required by  
3081 resolution of a majority of the commission, shall give a bond for  
3082 the faithful performance of his duties as an employee of the  
3083 commission, which bond shall be made payable to the State of  
3084 Mississippi and shall be in the penal sum of One Thousand Dollars  
3085 (\$1,000.00). In case of forfeiture of any bond provided for  
3086 herein, and recovery on same, the amount received shall go to the  
3087 department, to be used by it in furtherance of the management and  
3088 development of the state parks.

3089           SECTION 110. Section 55-3-59, Mississippi Code of 1972, is  
3090 amended as follows:[JWB101]

3091           55-3-59. Any person violating any of the rules and  
3092 regulations promulgated by the commission is guilty of a  
3093 misdemeanor, and upon conviction, \* \* \* shall be liable to a fine  
3094 of not less than Five Dollars (\$5.00) nor more than One Hundred  
3095 Dollars (\$100.00), or be subject to imprisonment for not less than  
3096 ten (10) days nor more than thirty (30) days, or shall be liable  
3097 to both such fine and imprisonment in the discretion of the court.

3098           SECTION 111. Section 55-3-63, Mississippi Code of 1972, is  
3099 amended as follows:[JWB102]

3100           55-3-63. There are hereby authorized to be established state  
3101 parks to be under the jurisdiction of the department, on land to  
3102 be provided for this purpose by the United States:

- 3103           (a) On Sardis Lake in Panola County, Mississippi;
- 3104           (b) On Sardis Lake in Lafayette County, Mississippi,  
3105 reasonably close and accessible to the University of Mississippi  
3106 near the Sardis Dam Reservoir on the south side of Sardis Lake;  
3107 and
- 3108           (c) On Enid Lake in Yalobusha County, Mississippi.

3109           SECTION 112. Section 55-3-65, Mississippi Code of 1972, is  
3110 amended as follows:[JWB103]

3111           55-3-65. The Governor of the State of Mississippi is hereby  
3112 authorized to enter into an indenture and agreement with the

3113 Tennessee Valley Authority as the agent of the United States of  
3114 America whereby the State of Mississippi will acquire certain  
3115 lands located in Tishomingo County, Mississippi, in the Pickwick  
3116 Reservoir Area for use as a state park or parks, game management  
3117 areas, and/or wildlife refuges. The department is hereby  
3118 authorized and empowered to establish, maintain and operate a  
3119 state park or parks, game management areas, and/or wildlife  
3120 refuges on said lands thus acquired.

3121 The department is authorized to build a lodge or lodges,  
3122 cabins, boating, recreational, camping, and any and all other  
3123 facilities suitable or convenient for the purpose of establishing  
3124 such a state park or parks, game management areas, and/or wildlife  
3125 refuges not to be limited by the enumeration of purposes above.  
3126 All state and local agencies of government are authorized to  
3127 assist and cooperate with the commission for the purposes of this  
3128 section.

3129 SECTION 113. Section 55-3-67, Mississippi Code of 1972, is  
3130 amended as follows:[JWB104]

3131 55-3-67. There is hereby authorized to be established an  
3132 historical monument near Meridian, Mississippi, in Lauderdale  
3133 County, at the burial site of Samuel Dale, which area shall be  
3134 under the jurisdiction of the department.

3135 SECTION 114. Section 55-3-69, Mississippi Code of 1972, is  
3136 amended as follows:[CR105]

3137 55-3-69. The \* \* \* commission \* \* \*, in cooperation with the  
3138 University Research Center, is authorized and directed to  
3139 supervise the preparation, maintenance and upgrading of a  
3140 comprehensive long-range statewide plan for the development of  
3141 outdoor recreation resources of the state, which plan will be  
3142 prepared by the staff of the \* \* \* commission.

3143 SECTION 115. Section 55-3-71, Mississippi Code of 1972, is  
3144 amended as follows:[JWB106]

3145 55-3-71. The executive director \* \* \* is designated as the

3146 authorized representative of the State of Mississippi under the  
3147 federal Land and Water Conservation Fund Act, and the executive  
3148 director is hereby directed to utilize the plan specified in  
3149 Section 55-3-69 in carrying out the authority vested in said  
3150 office, it being the intention that any action taken by the  
3151 authorized representative be pursuant to and in compliance with  
3152 said plan.

3153 SECTION 116. Section 55-3-73, Mississippi Code of 1972, is  
3154 amended as follows:[JWB107]

3155 55-3-73. The commission may enter into contracts and  
3156 agreements with the United States or any appropriate agency  
3157 thereof, keep financial records and other records relating  
3158 thereto, and furnish to appropriate officials and agencies of the  
3159 United States such reports and information as may be reasonable  
3160 and necessary to enable such appropriate officials of the United  
3161 States government and agencies thereof to perform their duties  
3162 under such federal programs. In connection with obtaining for the  
3163 State of Mississippi the benefits of any such program, the  
3164 department shall coordinate its activities with and represent the  
3165 interest of all agencies and departments of the state and of the  
3166 municipal, county and other governmental units and subdivisions of  
3167 the State of Mississippi having interest in the planning,  
3168 development and maintenance of outdoor recreation resources and  
3169 facilities within the state.

3170 SECTION 117. Section 55-3-75, Mississippi Code of 1972, is  
3171 amended as follows:[JWB108]

3172 55-3-75. Projects may be undertaken only after the  
3173 department has determined that sufficient funds are available for  
3174 meeting the state's share of project costs.

3175 SECTION 118. Section 55-3-77, Mississippi Code of 1972, is  
3176 amended as follows:[JWB109]

3177 55-3-77. The commission may enter into and administer  
3178 agreements with the United States or any appropriate agency

3179 thereof for the planning, acquisition, or development of projects  
3180 involving participating federal aid funds on behalf of any county,  
3181 municipality or other governmental unit, provided that such  
3182 county, municipality or other governmental unit gives necessary  
3183 assurances to the department that it has available sufficient  
3184 funds to meet its share of the cost of the project and that the  
3185 acquired or developed areas will be operated and maintained at its  
3186 expense for public outdoor recreation use.

3187 SECTION 119. Section 55-3-79, Mississippi Code of 1972, is  
3188 amended as follows:[JWB110]

3189 55-3-79. There is hereby created a Mississippi Outdoor  
3190 Recreation Fund. Any federal funds received under Sections  
3191 55-3-69 through 55-3-77 shall be deposited in the State Treasury  
3192 and credited to the Mississippi Outdoor Recreation Fund for the  
3193 purpose of carrying out the provisions of said sections. The  
3194 funds in this account shall be disbursed by the department in the  
3195 usual manner that state funds are disbursed.

3196 SECTION 120. Section 55-5-61, Mississippi Code of 1972, is  
3197 amended as follows:[JWB111]

3198 55-5-61. The Mississippi Transportation Commission shall  
3199 designate one (1) employee of the Transportation Department who is  
3200 an engineer or who has engineering experience, and the Mississippi  
3201 Commission on Wildlife, Fisheries and Parks shall appoint one (1)  
3202 member of the Mississippi Department of Wildlife, Fisheries and  
3203 Parks staff, who shall advise with and assist the commission in  
3204 carrying out its functions and duties under Sections 55-5-51  
3205 through 55-5-63.

3206 SECTION 121. Section 55-9-1, Mississippi Code of 1972, is  
3207 amended as follows:[JWB112]

3208 55-9-1. The board of supervisors of any county in which  
3209 there are located, or in which there is a desire to locate,  
3210 recreational centers, stadiums, lakes, waterfowl or game  
3211 management areas or parks or any one or more of the aforesaid, or

3212 the board of supervisors of any county adjoining a county in which  
3213 there are located, or in which there is a desire to locate, such  
3214 recreational centers, stadiums, lakes, waterfowl or game  
3215 management areas or parks or any one or more of the aforesaid, or  
3216 the governing authority of any municipality having a population of  
3217 thirty-five hundred (3500) or more located in any of said  
3218 counties, are hereby empowered, in addition to all other powers  
3219 given them by law, to (a) issue bonds for the purpose of securing  
3220 money to build and equip recreational centers, stadiums, lakes,  
3221 waterfowl or game management areas or parks or any one or more of  
3222 the aforesaid, operating alone or as a unit, or in conjunction  
3223 with the Mississippi Department of Wildlife, Fisheries and Parks  
3224 or other agency of the State of Mississippi, and to (b) acquire by  
3225 lease, purchase, eminent domain, donation, or otherwise, sites  
3226 therefor. The county and the municipalities, or either of them,  
3227 either with or without assistance from some agency of the State of  
3228 Mississippi or the United States government, may enter jointly or  
3229 separately into the construction of such recreational centers,  
3230 stadiums, lakes, waterfowl or game management areas or parks, and  
3231 into the acquisition of sites therefor, from the sale of bonds  
3232 issued separately by the counties and the municipalities for such  
3233 purposes. Such recreational centers, stadiums, lakes, waterfowl  
3234 or game management areas or parks, or sites therefor, may be  
3235 located on land owned by the county or counties, municipality or  
3236 municipalities, or by the State of Mississippi, or on lands leased  
3237 to the county or counties, municipality or municipalities, or by  
3238 the State of Mississippi, or on lands leased to the county or  
3239 counties or municipality or municipalities jointly, or to either  
3240 of them, or may be located on lands owned by the United States  
3241 Forestry Service. Any bonds issued hereunder by a county shall be  
3242 subject to and compliance had with Sections 19-9-1 through  
3243 19-9-31, Mississippi Code of 1972, and any bonds issued hereunder  
3244 by a municipality shall be subject to and in compliance with

3245 Sections 21-33-301 through 21-33-329, Mississippi Code of 1972.

3246 Bonds issued under the provisions of this section may be full  
3247 faith and credit bonds, and may be retired in whole or in part by  
3248 the proceeds or a part of same earned by such recreational  
3249 facilities or parks.

3250 The governing authority of any such county or municipality  
3251 without the issuance of bonds, or in addition to the issuance of  
3252 bonds, may use any available surplus funds for constructing,  
3253 equipping, maintaining and operating such recreational centers,  
3254 stadiums, lakes, waterfowl or game management areas or parks.

3255 SECTION 122. Section 55-15-1, Mississippi Code of 1972, is  
3256 amended as follows:[JWB113]

3257 55-15-1. (1) The Mississippi Department of Wildlife,  
3258 Fisheries and Parks shall be the Brice's Crossroads-Tupelo  
3259 Battlefield Commission, and shall exercise the duties and  
3260 responsibilities of the Brice's Crossroads-Tupelo Battlefield  
3261 Commission \* \* \*.

3262 (2) The words "Brice's Crossroads-Tupelo Battlefield  
3263 Commission" wherever they may appear in the laws of the State of  
3264 Mississippi shall be construed to mean the Mississippi Department  
3265 of Wildlife, Fisheries and Parks.

3266 SECTION 123. Section 55-15-43, Mississippi Code of 1972, is  
3267 amended as follows:[JWB114]

3268 55-15-43. (1) The Mississippi Department of Wildlife,  
3269 Fisheries and Parks shall be the Confederate Monumental Park  
3270 Commission, and shall exercise the duties and responsibilities of  
3271 the Confederate Monumental Park Commission \* \* \*.

3272 (2) The words "Confederate Monumental Park Commission,"  
3273 wherever they may appear in the laws of the State of Mississippi,  
3274 shall be construed to mean the Mississippi Department of Wildlife,  
3275 Fisheries and Parks.

3276 SECTION 124. Section 55-17-1, Mississippi Code of 1972, is  
3277 amended as follows:[JWB115]

3278           55-17-1. (1) There is hereby authorized to be established  
3279 the International Gardens of Mississippi which shall be situated  
3280 in Copiah County, Mississippi, on lands selected by the Joint  
3281 Legislative International Gardens Commission created by House  
3282 Concurrent Resolution No. 61 of the 1970 Regular Legislative  
3283 Session. The site chosen shall be purchased by and the  
3284 International Gardens of Mississippi shall be developed and  
3285 maintained with funds to be furnished by the county or counties  
3286 involved.

3287           The Mississippi Department of Wildlife, Fisheries and Parks  
3288 shall, in the development of said gardens, abide by the intent of  
3289 House Concurrent Resolution No. 121 of the 1968 Regular  
3290 Legislative Session, the intent and recommendations and reports of  
3291 the Joint Legislative International Gardens Commission, and the  
3292 final report concerning the proposed gardens as prepared by  
3293 Mississippi State University for the Legislature wherever  
3294 reasonable, practical and possible.

3295           (2) The Mississippi Department of Wildlife, Fisheries and  
3296 Parks may accept financial aid from the United States government,  
3297 foundations, organizations, and public and private corporations  
3298 unless expressly forbidden by the laws of the State of  
3299 Mississippi. Aid, assistance, advice and gifts may be accepted  
3300 from foreign nations or other states of the United States.

3301           However, until completion of the improvements to the existing  
3302 state parks designated in House Bill 660, Regular Session of 1972,  
3303 no funds made available to the State of Mississippi under the  
3304 Federal Land and Water Conservation Act of 1965 shall be used in  
3305 the International Gardens of Mississippi.

3306           SECTION 125. Section 55-17-5, Mississippi Code of 1972, is  
3307 amended as follows:[JWB116]

3308           55-17-5. The Mississippi Commission on Wildlife, Fisheries  
3309 and Parks shall \* \* \* appoint, with the approval of the special  
3310 advisory committee for the International Gardens of Mississippi,

3311 as established by Section 55-17-3, a Park Director of the  
3312 International Gardens of Mississippi, who shall have  
3313 administrative and supervisory authority of said gardens, under  
3314 the general supervision and direction of the Mississippi  
3315 Department of Wildlife, Fisheries and Parks.

3316 SECTION 126. Section 57-11-19, Mississippi Code of 1972, is  
3317 amended as follows:[JWB117]

3318 57-11-19. The Mississippi Department of Wildlife, Fisheries  
3319 and Parks, \* \* \* the Mississippi Arts Commission, the Mississippi  
3320 Department of Education, the Department of Human Services, the  
3321 Mississippi Extension Service, the Mississippi Department of  
3322 Agriculture and Commerce \* \* \*, the Mississippi Department of  
3323 Economic and Community Development, and the Mississippi Fair  
3324 Commission may cooperate with the marketing council in carrying  
3325 out the purposes of Sections 57-11-15 through 57-11-21.

3326 SECTION 127. Section 57-15-9, Mississippi Code of 1972, is  
3327 amended as follows:[JWB118]

3328 57-15-9. The council, exercising its duties and  
3329 responsibilities, shall also act in an advisory capacity to the  
3330 Governor and all related state agencies, including the Board of  
3331 Trustees of State Institutions of Higher Learning, the Gulf Coast  
3332 Research Laboratory and the Universities Marine Center which are  
3333 conducting oceanographic research. All state boards and agencies  
3334 engaged in activities in the field of marine resources and  
3335 technology shall utilize this commission as a clearinghouse on all  
3336 present and future joint federal-state programs whether presently  
3337 administered by an existing agency or not; to advise on the best  
3338 programs available to the State of Mississippi for the development  
3339 of its marine resources, and how to apply for, receive or hold any  
3340 and all such authorizations, licenses and grants necessary and  
3341 proper therefor; to advise on the utilization of all facilities in  
3342 the State of Mississippi for marine research and development, such  
3343 as the future maximum utilization of the NASA-Mississippi Test

3344 Facility, but not limiting the provisions of this chapter  
3345 exclusively thereto; and to advise on all in-depth studies  
3346 necessary to carry out the provisions of this chapter. This  
3347 chapter shall not, however, abrogate the authority of the  
3348 Mississippi \* \* \* Commission on Marine Resources, the Board of  
3349 Trustees of State Institutions of Higher Learning or the Gulf  
3350 Coast Research Laboratory, the Universities Marine Center, or of  
3351 the individual institutions under the board's control to apply for  
3352 grants, and to carry out oceanographic research. Said council is  
3353 hereby authorized to receive services, gifts, contributions,  
3354 property and equipment from public and private sources to be  
3355 utilized in the discharge of the council's functions, all to be  
3356 done within the purview of this chapter.

3357 SECTION 128. Section 59-21-25, Mississippi Code of 1972, is  
3358 amended as follows:[JWB119]

3359 59-21-25. (1) Fees for the award of certificates of number  
3360 for original, transfer, renewal, livery, dealer and duplicate  
3361 shall be as follows:

- 3362 (a) Less than 16 feet.....\$ 5.00
- 3363 (b) 16 feet but less than 26 feet.....\$15.00
- 3364 (c) 26 feet and over.....\$30.00
- 3365 (d) Dealer number.....\$25.00
- 3366 (e) Duplicate.....\$ 5.00

3367 (2) All fees for numbers and renewal of number shall be  
3368 payable to the Mississippi Department of Wildlife, Fisheries and  
3369 Parks to be deposited by the department in the State Treasury in a  
3370 special fund to be designated as the Fisheries and Wildlife Fund,  
3371 which shall be disbursed upon the recommendation of the department  
3372 as may be appropriated by the Legislature. The State Treasurer  
3373 shall release to the department such sums as are required to  
3374 defray all administrative costs of the boat registration fee  
3375 division of the department and to improve the law enforcement  
3376 capability of the department on the inland and marine waters of

3377 the State of Mississippi and as may be budgeted by the department  
3378 for the purpose of paying the cost of the administration of this  
3379 chapter for education on water safety, improvement of water safety  
3380 and motorboating facilities in the state, and advertising and  
3381 promoting the waterways of the state. Any and all revenue over  
3382 and above the actual administrative cost of implementing this act  
3383 shall be used to fund salaries of additional conservation officers  
3384 in all eighty-two (82) counties.

3385 SECTION 129. Section 65-1-37, Mississippi Code of 1972, is  
3386 amended as follows:[JWB120]

3387 65-1-37. The Mississippi Transportation Commission is hereby  
3388 authorized and empowered to have the Mississippi Department of  
3389 Transportation construct, repair and maintain the driveways and  
3390 streets on the grounds of the universities and colleges under the  
3391 jurisdiction of the Board of Trustees of the State Institutions of  
3392 Higher Learning, state, and/or county supported junior colleges,  
3393 the state hospitals, and institutions under the jurisdiction of  
3394 the Board of Trustees of Mental Institutions, the Board of  
3395 Trustees of the Columbia Training School and Oakley Training  
3396 School, \* \* \* the Mississippi Schools for the Deaf and Blind, and  
3397 the Mississippi Department of Wildlife, Fisheries and Parks in the  
3398 manner provided herein, including bypasses to connect said  
3399 driveways and streets with roads on the state highway system, and  
3400 the main thoroughfare running east and west through the grounds of  
3401 the Mississippi Penitentiary, provided said institutions obtain  
3402 the necessary rights-of-way, said institutions being hereby  
3403 authorized so to do.

3404 The Transportation Commission and the governing boards of  
3405 said institutions shall enter into an agreement prior to  
3406 undertaking any of the work mentioned in the first paragraph of  
3407 this section, and said agreement shall be based on the  
3408 Transportation Department's furnishing equipment, equipment  
3409 operators, skilled labor, supervision, and engineering services,

3410 and the governing bodies of the aforementioned institutions shall  
3411 furnish material, supplies and common labor. This agreement shall  
3412 further provide for reimbursement of the Mississippi \* \* \*  
3413 Department of Transportation, in full, for the expenditures  
3414 incurred in the construction, repair and maintenance of driveways  
3415 and streets at the institutions hereinabove mentioned, such  
3416 reimbursement to be made directly to the Mississippi  
3417 Transportation Commission \* \* \* from the institutions. Upon the  
3418 execution of an agreement as set out herein, the Mississippi  
3419 Department of Transportation may provide all the necessary  
3420 engineering, supervision, skilled labor, equipment, and equipment  
3421 operators to perform such work.

3422 SECTION 130. Section 65-1-51, Mississippi Code of 1972, is  
3423 amended as follows:[JWB121]

3424 65-1-51. The Mississippi Transportation Commission may  
3425 acquire by gift, purchase, or otherwise, and \* \* \* have the  
3426 Mississippi Department of Transportation improve and maintain  
3427 strips of land necessary for the restoration, preservation and  
3428 enhancement of scenic beauty adjacent to the state highway  
3429 rights-of-way. The commission may acquire and have the  
3430 Transportation Department develop publicly owned and controlled  
3431 rest and recreation areas and sanitary and other facilities within  
3432 or adjacent to the highway right-of-way reasonably necessary to  
3433 accommodate the traveling public.

3434 The Transportation Commission, in its discretion, is hereby  
3435 authorized to acquire by gift, purchase, or otherwise, including  
3436 the exercise of eminent domain, public or privately owned wetlands  
3437 and other lands suitable for creation as wetlands for the purpose  
3438 of mitigating wetland losses and replacing those wetlands  
3439 purchased and damaged or eliminated by development and use, on a  
3440 basis not to exceed that required by the Federal Highway  
3441 Administration as a condition for receiving federal aid funds,  
3442 provided that some governmental agency agrees, without

3443 compensation, to accept title to the lands acquired and maintain  
3444 such lands as wetlands in perpetuity. However, the commission  
3445 shall replace those coastal wetlands purchased and damaged or  
3446 eliminated by development and use on the basis required by the  
3447 "Coastal Wetlands Protection Law" and regulations promulgated  
3448 thereunder by the Mississippi Commission on Marine Resources.

3449 SECTION 131. Section 75-27-7, Mississippi Code of 1972, is  
3450 amended as follows:[JWB122]

3451 75-27-7. The term "barrel" shall mean a unit of thirty-one  
3452 (31) gallons. However, the term "barrel," when used in reference  
3453 to seafood or parts thereof, shall be the measure defined by  
3454 ordinance of the Mississippi \* \* \* Commission on Marine Resources  
3455 under authority of Sections 49-15-1 through 49-15-67, Mississippi  
3456 Code of 1972. The term "ton" shall mean a unit of two thousand  
3457 (2,000) pounds avoirdupois weight. The term "cord" shall mean the  
3458 amount that is contained in a space of one hundred twenty-eight  
3459 (128) cubic feet when such is ranked and well stowed.

3460 SECTION 132. Section 89-19-7, Mississippi Code of 1972, is  
3461 amended as follows:[JWB123]

3462 89-19-7. (1) Any action to enforce a conservation easement  
3463 may be brought by:

3464 (a) An owner of an interest in the real property  
3465 burdened by the easement;

3466 (b) A holder of the easement;

3467 (c) A person having a third-party right of  
3468 enforcement; \* \* \*

3469 (d) The Attorney General of the State of Mississippi;

3470 (e) The Mississippi Department of Wildlife, Fisheries  
3471 and Parks; or

3472 (f) A person otherwise authorized and empowered by law.

3473 (2) This chapter does not, and shall not be construed to,  
3474 affect the power of a court to modify or terminate a conservation  
3475 easement in accordance with the principles of law and equity. In

3476 such proceeding, the holder of the conservation easement shall be  
3477 compensated for the value of the easement.

3478 SECTION 133. Section 89-19-15, Mississippi Code of 1972, is  
3479 amended as follows:

3480 89-19-15. Whenever any instrument conveying a conservation  
3481 easement is recorded after the effective date of this section, the  
3482 clerk of the court recording it shall mail certified copies  
3483 thereof, together with notice as to the date and place of  
3484 recordation, to the Attorney General of the State of Mississippi  
3485 and the Mississippi Department of Wildlife, Fisheries and Parks.  
3486 The requirement that certified copies be mailed to the Attorney  
3487 General and the Mississippi Department of Wildlife, Fisheries and  
3488 Parks shall be stated in any instrument which conveys a  
3489 conservation easement after the effective date of this section.  
3490 The holder of any conservation easement created prior to the date  
3491 hereof wishing to qualify such easement for the benefits provided  
3492 under this chapter shall provide to the Attorney General and the  
3493 Mississippi Department of Wildlife, Fisheries and Parks, within  
3494 one (1) year after the effective date of this section, a certified  
3495 copy of the instrument creating such easement, indicating the date  
3496 and place of the recordation.

3497 SECTION 134. Section 97-3-19, Mississippi Code of 1972, is  
3498 amended as follows:[JWB124]

3499 97-3-19. (1) The killing of a human being without the  
3500 authority of law by any means or in any manner shall be murder in  
3501 the following cases:

3502 (a) When done with deliberate design to effect the  
3503 death of the person killed, or of any human being;

3504 (b) When done in the commission of an act eminently  
3505 dangerous to others and evincing a depraved heart, regardless of  
3506 human life, although without any premeditated design to effect the  
3507 death of any particular individual;

3508 (c) When done without any design to effect death by any

3509 person engaged in the commission of any felony other than rape,  
3510 kidnapping, burglary, arson, robbery, sexual battery, unnatural  
3511 intercourse with any child under the age of twelve (12), or  
3512 nonconsensual unnatural intercourse with mankind, or felonious  
3513 abuse and/or battery of a child in violation of subsection (2) of  
3514 Section 97-5-39, or in any attempt to commit such felonies.

3515 (2) The killing of a human being without the authority of  
3516 law by any means or in any manner shall be capital murder in the  
3517 following cases:

3518 (a) Murder which is perpetrated by killing a peace  
3519 officer or fireman while such officer or fireman is acting in his  
3520 official capacity or by reason of an act performed in his official  
3521 capacity, and with knowledge that the victim was a peace officer  
3522 or fireman. For purposes of this paragraph, the term "peace  
3523 officer" means any state or federal law enforcement officer  
3524 including but not limited to a federal park ranger, the sheriff of  
3525 or police officer of a city or town, a conservation officer, a  
3526 parole officer, a judge, prosecuting attorney or any other court  
3527 official, an agent of the Alcoholic Beverage Control Division of  
3528 the State Tax Commission, an agent of the Bureau of Narcotics,  
3529 personnel of the Mississippi Highway Patrol, and the employees of  
3530 the Department of Corrections who are designated as peace officers  
3531 by the Commissioner of Corrections pursuant to Section 47-5-54,  
3532 and the superintendent and his deputies, guards, officers and  
3533 other employees of the Mississippi State Penitentiary;

3534 (b) Murder which is perpetrated by a person who is  
3535 under sentence of life imprisonment;

3536 (c) Murder which is perpetrated by use or detonation of  
3537 a bomb or explosive device;

3538 (d) Murder which is perpetrated by any person who has  
3539 been offered or has received anything of value for committing the  
3540 murder, and all parties to such a murder, are guilty as  
3541 principals;

3542           (e) When done with or without any design to effect  
3543 death, by any person engaged in the commission of the crime of  
3544 rape, burglary, kidnapping, arson, robbery, sexual battery,  
3545 unnatural intercourse with any child under the age of twelve (12),  
3546 or nonconsensual unnatural intercourse with mankind, or in any  
3547 attempt to commit such felonies;

3548           (f) When done with or without any design to effect  
3549 death, by any person engaged in the commission of the crime of  
3550 felonious abuse and/or battery of a child in violation of  
3551 subsection (2) of Section 97-5-39, or in any attempt to commit  
3552 such felony;

3553           (g) Murder which is perpetrated on educational property  
3554 as defined in Section 97-37-17;

3555           (h) Murder which is perpetrated by the killing of any  
3556 elected official of a county, municipal, state or federal  
3557 government with knowledge that the victim was such public  
3558 official.

3559           SECTION 135. This act shall take effect and be in force from  
3560 and after its passage.